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HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Regular Meeting Agenda

Thursday, January 13, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Cecilia Chung
Carlota del Portillo
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR January/February

January 06
Employment Committee Meeting
CANCELED

January 12
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 13
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

January 18
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 19
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

Januuary 27
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

February 03
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 09
Issues Committee Meeting
5:30pm
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Main Conference Room

February 10
HRC Regular Commission Meeting
4:30pm
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February 15
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5:30pm
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February 16
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5:30pm
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February 24
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

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Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. **Call to Order and Roll Call**

2. **Circulate General Communications File**

3. **Public Comment on Items Not on the Agenda**
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. **Approval of minutes of Commission Meeting of October 28, 2004**
   Action Item - Attachment provided
   (Continued from 11-15-04 Commission Meeting)
   Present: T. Delgado

5. **Approval of minutes of Commission Meeting of November 15, 2004**
   Action Item - Attachment provided
   (Continued from 12-09-04 Commission Meeting)
   Present: T. Delgado

REPORT OF THE CHAIR

6. **Report of the Chair**
   Discussion Item - No Attachment

7. **Individual Commissioner Reports on Community Activities**
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

8. **Presentation of HRC Resolution honoring the life of Scott Campbell**
   Resolution adopted by the Commission on July 22, 2004
   Discussion Item - Attachment Provided
   (Continued from 12-09-04 Commission Meeting)
   Present: L. Brinkin

9. **Discussion of 2005-2006 Initial Budget Instructions**
Discussion Item - No Attachment
(Continued from 12-09-04 Commission Meeting)

10. **Update on Chapter 14A Stakeholder Meetings**
Discussion Item - No Attachment
(Continued from 12-09-04 Commission Meeting)

11. **Presentation of Chapter 14A Waiver Report for November and December 2004**
Discussion Item - Attachment provided
(Continued from 12-09-04 Commission Meeting)
Present: M. Kanios

COMMITTEE REPORTS

12. **Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of November 16, 2004 Meeting**
Commissioner Cecilia Chung, Co-Chair
Commissioner Pat Norman, Co-Chair
Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
Discussion Item - No Attachment

13. **Issues Committee: Report of November 10 and December 08, 2004 Meeting**
Discussion Item - No Attachment
Commissioner Carlota del Portillo, Co-Chair
Commissioner Ellouise Patton, Co-Chair
Commissioner Sandra E. Sohcot, Co-Chair
Committee Staff: Emil De Guzman, Carmen Hererra
Discussion Item - No Attachment

14. **Employment Committee: Report of November and December 02, 2004 Meeting**
Discussion Item - No Attachment
Commissioner Larry Lee, Chair
Commissioner Faye Woo Lee, Co-Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
Discussion Item - No Attachment

15. **Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of November 17, and December 15, 2004 Meeting**
Commissioner Khaldoun Baghdadi, Co-Chair
Commissioner Yoel Kahn, Co-Chair
Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong
Discussion Item - No Attachment

REGULAR BUSINESS

16. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
Discussion Item - No Attachment

17. **Adjournment**

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

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HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

AMENDED VERSION

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3/05
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City and County of San Francisco
Human Rights Commission

January 13, 2005 (Draft)

1. Call to Order and Roll Call
Chair Heinicke called the meeting to order at 4:37 p.m.

Commissioners Present	Commissioners Excused
Malcolm A. Heinicke, Chair	Cecilia C. Chung
Khaldoun Baghdadi	
Carlota Del Portillo	
Yoel Kahn	
Faye Woo Lee	
Larry Lee	
Pat Norman	
Ellouise Patton	
Sandra Sohcot	

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HRC Staff Present
Virginia Harmon, Executive Director; Toni A. Delgado, Commission Secretary; Larry Brinkin; Linda Chin; Maria Cordero; Emil DeGuzman; Bayard Fong; Cynthia Goldstein; Zula Jones; Melinda Kanios; Bryan Thomas (WIP); Domenic Viterbo; and Virma Walton (WIP).

A quorum was present.

2. Circulate General Communications File
A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda
Jakkee Bryson, stated that she wanted to revisit non-discrimination against transgender people because she was being harassed by transgender person at her housing facility.

Bryan Thomas (WIP) spoke about the Diversity Task Order with the PUC/WIP, which was going to be de-funded. Director Harmon met with Tony Irons and Harlan Kelly and the program was renewed at the last hour. Mr. Thomas expressed his appreciation to Director Harmon for her support.

Virma Walton (WIP) also thanked Director Harmon for her support of the employment program.

Bayard Fong (HRC Staff) stated that for the past five or six years, the HRC has made an effort to support the Martin Luther King, Jr. Civic Committee which sponsors the Citywide Essay contest, offering scholarship awards to middle, elementary, and high

school students. Mr. Fong asked the Commissioners for their continued support of this program by sponsoring a table at the annual breakfast or donating money to the Martin Luther King, Jr. Civic Committee.

There was no further public comment on this item.

4. Approval of minutes of Commission Meeting of October 28, 2004
There was no public comment on this item.

The approval of minutes of commission meeting of October 28, 2004 were moved (Del Portillo), seconded (Sohcot), and APPROVED by the following vote:

Ayes 9 Baghdadi, Del Portillo, Heinicke, Kahn, Lee, F.W., Lee, L., Norman, Patton, Sohcot
Noes 0
Absent 1 Chung

5. Approval of minutes of Commission Meeting of November 15, 2004
There was no public comment on this item.

The approval of minutes of commission meeting of November 15, 2004 were moved (Del Portillo), seconded (Kahn), and APPROVED by the following vote:

Ayes 9 Baghdadi, Del Portillo, Heinicke, Kahn, Lee, F.W., Lee, L., Norman, Patton, Sohcot
Noes 0
Absent 1 Chung

6. Report of the Chair
Chair Heinicke announced and congratulated Director Harmon and Cynthia Goldstein for their nominations in the Excellence in City Services program.

There was no public comment on this item.

7. Individual Commissioner Reports on Community Activities
Commissioner Patton stated that the transfer of the Naval Shipyard was done this week. The PUC will also be hosting a workshop for contractors on how to get projects on the 20th at Southeast Campus. Commissioner Patton made available a report compiled by the Mayor's Office of Community Development regarding the needs and wants of each community.

Commissioner Faye Woo Lee stated that Supervisor Fiona Ma sponsored a resolution to support HR 3847 to end racial profiling, the resolution passed in November. The Chinese-American Community is very involved in raising funds for tsunami relief.

Commissioner Del Portillo stated that City College is making an extraordinary effort in letting all San Franciscans know that financial aid is available for students. The Mission Campus of City College has moved from 22nd and Bartlett to Alabama and 17th for two years.

Commissioner Kahn stated that the Jewish Community Center is doing a series on Memory, Community, and Identity. On May 15 Henry Louis Gates will speak to create dialogue between ethnic and racial communities.

There was no public comment on this item.

8. Presentation of HRC Resolution honoring the life of Scott Campbell
Larry Brinkin (HRC Staff) worked with Scott Campbell for three years on the LGBT Advisory Committee. Mr. Brinkin stated that Mr. Campbell's passing was saddening because he was such a terrific committee member and friend to people on the committee.

Dominic Viterbo (HRC Staff) stated that he met Scott Campbell at the San Francisco Gay Men's Chorus where they sung many performances together. Scott has a big, booming tenors voice and he had such passion whenever he performed and brought that same passion to the LGBT Advisory Committee. Mr. Campbell was sincerely interested in all of the issues that were brought the committee and his input was always thoughtful and intelligent.

Patrick Mulcahey, member of the LGBT Advisory Committee thanked the Commission for the resolution. Mr. Mulcahey stated that he is grateful to Scott for learning how to live and do meaningful work, but also how to relinquish those things when that time comes. Mr. Mulcahey knew Scott and his work at Most Holy Redeemer Church, particularly in the area or LGBT Homeless youth.

Steve Spangers, Scott Campbell's partner, thanked the Commission for the resolution honoring Scott. He stated that Scott thought highly of the Human Rights Commission and was dedicated to its work.
Chair Heinicke presented the resolution to Steve Spangers.

There was no public comment on this item.

9. Discussion of 2005-2006 Initial Budget Instructions
Director Harmon stated that the HRC has received the 2005-2006 budget instructions from the Mayor's Budget Office, which includes reducing the department's general fund budget by 7 ½ percent. The HRC has also been asked to produce a 5 percent contingency reduction plan, which the Mayor's Budget Office will evaluate and take from the HRC if necessary. These reductions account for about $140,000 from the HRC budget and staff reductions are a possibility. $140,000 equates to approximately two staff members.

There was no public comment on this item.

10. Update on Chapter 14A Stakeholder Meetings
Director Harmon stated that Stakeholder meetings were held during the fall of 2004, eliciting community expectations of the City's public contracting program. Those meetings were followed up with internal meetings with department staff, Supervisor Fiona Ma (ordinance sponsor), and the Mayor's Office. Those discussions have been ongoing. The Mayor's Office and Supervisor Ma are preparing to meet with the community and the department staff to discuss the proposal. The HRC is anticipating that something will be introduced at the Board of Supervisors within the next few weeks. The City Attorney's Office is preparing to draft the legislation.

Commissioner Kahn asked if the public input meetings have been scheduled. Director Harmon stated that the meetings have not been scheduled yet, but she will notify the Commissioners.

There was no public comment on this item.

11. Presentation of Chapter 14A Waiver Report for November and December 2004
Melinda Kanios (HRC Staff) presented the Commissioners with the 14A Waiver Report for November and December 2004.

There was no public comment on this item.

12. Report on hearing officer results of appeal of P&K Trucking denial of certification
Maria Cordero (HRC Staff) presented the Commissioners with a copy of the hearing officers' decision. The HRC's DBE ordinance, previously the M/W/LBE ordinance provides the opportunity for appeal for firms that are denied certification or re-certification. The process begins with informal meetings with HRC staff, an appeal meeting with the Director and ultimately if the issue is not resolved, the Commission appoints a hearing officer, and the hearing officer's decision is final. P&K Trucking had been certified since 1996 when the firm had two trucks. When P&K Trucking applied for re-certification in 2002, the HRC found that the firm was no longer operating as a trucker, but rather providing brokering services for large contracts. P&K Trucking no longer provided a commercially useful function, nor did they possess the appropriate equipment or personnel. In December 2004 hearing officer Harry Epstein rendered his decision to uphold the HRCs denial.

There was no public comment on this item.

13. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of November 16, 2004 Meeting

Larry Brinkin (HRC Staff) stated that at the November 16, 2004 LGBTAC meeting, the whole agenda was suspended in order to consider the draft of the Intersex Public Hearing Report. There was some discussion over process and deadlines, and hoped to bring the report to the Commission for consideration at the January 27th meeting.

Chair Heinicke stated that the draft report is lengthy and may warrant further discussion. Chair Heinicke asked Mr. Brinkin if the LGBTAC is expecting the Commission to approve the report, or provide another opportunity to discuss the content of the report. Mr. Brinkin stated that the LGBTAC would like the report adopted quickly by the Commission, but he explained to the Committee members that the adoption may or may not happen quickly. Mr. Brinkin added that if the Commissioners had any questions or changes, would like to have further discussion, or would like further information, that the Committee would understand.

Commissioner Norman stated that the Committee created a process of discussion and consensus over a period of three meetings to ensure that everyone's thoughts and suggestions were considered and included in the final draft report. Commissioner Norman stated that though this process, everyone had the opportunity for input so she did not see a need for the Chair's participation.

Chair Heinicke stated that the report is very well written, but he would enjoy the opportunity to ask questions, and identify a couple of items that he would like more factual support for through the use of citations. Chair Heinicke stated that this report is the first of it's kind and the HRC should take the time to ensure that report is done well, carefully, and in a manner that will have the best overall impact.

There was no public comment on this item.

14. Issues Committee: Report of November 10 and December 08, 2004 Meeting
Emil DeGuzman (HRC Staff) stated that there was no December meeting, but at the November 10th meeting, the Committee discussed the following issues: the SF Weekly letter that has previously come before the commission; the disproportionate arrest and incarceration rates of young African-American girls; the Committee received a presentation from Amnesty International regarding racial profiling and domestic security; the Committee also viewed a show produced by the ACLU entitled "The Unconstitutional War on Civil Liberties".

Commissioner Del Portillo suggested that the whole Commission watch the movie.

There was no public comment on this item.

15. Employment Committee: Report of November and December 02, 2004 Meeting
Linda Chin (HRC Staff) stated that at the November meeting, the Committee received presentations on the Employment Workforce goals, the Re-Development Agency's Employment Program, the Maintrain janitorial training program, and an update on the construction program at City College. Ms. Chin stated that Mary Gin Starkweather (HRC Staff) will present the December 2 meeting report at an upcoming Commission meeting.

There was no public comment on this item.

16. Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of November 17, and December 15, 2004 Meeting

Bayard Fong (HRC Staff) stated that the Committee did not meet in December, and the November meeting did not have a quorum.

There was no public comment on this item.

17. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
There was no Commissioner discussion of matters of interest for possible inclusion of future agenda Items.

18. Adjournment
There being no further business, the meeting was adjourned at 5:58 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary **

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Gavin Newsom, Mayor

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February 24
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

March 03
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 09
Issues Committee Meeting
5:30pm
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5:30pm
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DBE Advisory Committee Meeting
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HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No Attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

REGULAR BUSINESS

6. Possible Adoption of May 27, 2004 Intersex Hearing Report and Recommendations
   Action Item - Attachment Provided

REPORT OF THE DIRECTOR

7. Overview of the duties and responsibilities of HRC Divisions
   Discussion Item - Attachment to be provided at meeting
   Present: All Divisions Reporting

8. Discussion of Human Rights Commission 2005-2006 Budget
   Discussion Item - No Attachment

REGULAR BUSINESS

9. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
   Discussion Item - No Attachment

10. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures
The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

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Disability access
The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

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Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

City and County of San Francisco
Human Rights Commission

January 27, 2005 (Draft)

1. Call to Order and Roll Call
Chair Heinicke called the meeting to order at 4:34 p.m.

Commissioners Present
Cecilia C. Chung
Carlota Del Portillo
Malcolm A. Heinicke, Chair
Faye Woo Lee
Larry Lee (left 5:32 pm)
Pat Norman (arr. 4:40 pm)
Ellouise Patton (left 5:35 pm)
Sandra Sohcot

Commissioners Excused
Khaldoun Baghdadi
Yoel Kahn

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HRC Staff Present
Virginia Harmon, Executive Director; Toni A. Delgado, Commission Secretary; Frank Anderson; Marcus Arana; Larry Brinkin; Linda Chin; Cynthia Goldstein; Zula Jones; Mindy Lee (HRC/PUC Intern); Veronica Ng; and Joyce O. Smith.

Guests Present
David Cameron (LGBTAC Intersex Task Force); Cheryl Chase (Intersex Society); Dr. Alice Dreger (Michigan State University); Don Hesse (Friends of the HRC); Thea Hillman (Public); Emi Koyama (Intersex Initiative); Javad Mirsaidi (Iranian American Chamber of Commerce); Peter Rtinkl (Bodies Like Ours); and Eli Sembeggakwine (-sp? Intersex Task Force)

A quorum was present.

2. Circulate General Communications File
A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda
Don Hesse, Friends of the HRC, stated that we are currently in the fortieth year of the HRC's existence in San Francisco, making the HRC one of the oldest local civil rights agency in the country. The Friends of the HRC would like to begin planning an event to celebrate the HRC's 40th anniversary.

Javad Mirsaidi, Chair of the Iranian American Chamber of Commerce, stated that members of the Chamber of Commerce asked the HRC to provide a presentation. Director Harmon's presentation, help and dedication to the Chamber, was inspiring and Mr. Mirsaidi presented Director Harmon with the First Proclamation of Human rights by Cyrus the Great. Mr. Mirsaidi extended his appreciation to Director Harmon for her hard work and noted that her work is a continuation of the vision that Cyrus

had twenty-five hundred years ago.

There was no further public comment on this item.

4. Report of the Chair
The Chair made no report.

5. Individual Commissioner Reports on Community Activities
Commissioner Sohcot stated she met with Director Harmon regarding the creation of opportunities for woman-owned businesses in City contracting, and commended Director Harmon for her effort.

Commissioner Chung stated that the December 26th Tsunami Disaster has affected many people in a deep and profound way. On behalf of the API Health Forum and the API Wellness Center, Commissioner Chung will be hosting a vigil in front of City Hall on February 1 from 5:30 p.m. to 6:30 p.m. and invited her fellow Commissioners, the staff, and public.

Chair Heinicke stated that tomorrow from 5:00 p.m. to 8:00 p.m., the San Francisco Bar Association, which he is a member of, is hosting a legal community fund raiser for the tsunami relief effort at the Old Federal Reserve Building.

6. Possible Adoption of May 27, 2004 Intersex Hearing Report and Recommendations
Marcus Arana (HRC Staff) stated that the Intersex Report is the fruition of years of hard work of many advocates and activists who asked the Human Rights Commission to look at the issues facing intersex people, specifically 'normalization,' surgical procedures to assign a gender to a child with ambiguous genitalia. After holding a public hearing and soliciting written testimony, researching medical, legal, ethical and academic articles on the issue of intersex normalization, the LGBTAC and the Intersex Task Force have created the report before the Commissioners at this time. Mr. Arana asked the Commissioners for their approval of this report.

Chair Heinicke asked for public comment on this item.

The following public comments are written verbatim as stated by presenters.

"Hello. My name is Peter Trinkl and I am an intersex person who underwent infant genital surgery. I am a board member of Bodies Like Ours, an international support group for intersex people. Over the last year I had the opportunity to work with the LGBTAC Intersex Task Force on preparing for the May 27, 2004 hearing and in helping prepare the report being presented today. The report before you is of tremendous historical importance. In recent years intersex activists and scholars have extensively documented the medical shame and secrecy surrounding infant genital surgery and sex hormone treatment on intersex children than have gone on for the last sixty years. In the last decade, organizations such as the Intersex Society of North America, Bodies Like Ours, and the Intersex Initiative have led the way in starting an ongoing dialogue about intersex issues. Increasingly, intersex people are speaking publicly and you can see that in the historic May 27, 2004 SFHRC Intersex hearing. This report represents the first time that a governmental body in the United States has investigated intersex treatments from a human rights perspective. It is important to remember that this is a human rights issue. Some of the findings and recommendations might prove to be controversial but in my heart I know that what is being asked for is not that much, and it is good. What is being asked for is that the ethical framework in which intersex treatment decisions are made not withhold intersex people the right to make fully informed consent decisions about medical treatments that are driven more by cultural factors than by underlying medical health

problems. I would like to be clear about a couple of things. One, as I have read it, the report makes a clear distinction between medically necessary procedures to protect the health of intersex children and procedures performed to make a child conform to a visually 'normalized' body presentation along gender lines. Two, as I have read it the report does not say what procedures the doctors can or cannot perform, but maintains that the human rights of intersex people to choose optional medical treatments should not be at risk by doctors appearance. This report has had wide community input and I believe that it should be approved by the full San Francisco Human Rights Commission. Thank you."

* * *

Thea Hillman. "Commissioners, thank you again for hearing us today and for considering adopting this report. I just wanted to introduce myself as someone who worked on the intersex Task Force as a past board member of ISNA, the Intersex Society of North America and also a person with an intersex condition. As a leader in the intersex community for the past several years I want to tell you how much this process has already done for our community. The process of having the hearing, of creating the report, has had great repercussions already in creating a world free of shame, secrecy, and unwanted genital surgeries, and basically, discriminatory treatment toward intersex people. The hearing in May exceeded my wildest dreams. I couldn't have imagined a more diverse, yet unified group of voices coming to tell you about our experiences. On that day we shared our experiences as people who have experienced normalizing treatments for intersex. You listened to us with compassion and with care. By adopting the report you will acknowledge our experiences. This is incredibly important to us and has not been done at any other level. The report doesn't have to solve all of our problems. We feel we can do that on our own, empowered, emboldened and strengthened by the recognition of the discriminatory nature of our treatment. By adopting the report you will acknowledge our experience and you will set the stage for great change, which indeed has already begun to happen. Thank you."

* * *

"Hello, my name is Alice Dreger. I am a historian of medicine and bioethics at Michigan State University. I am grateful to be out of the snow and be with all of you. I am grateful to be with you especially because I am in the position a lot of you are in, I think. I wasn't born with an intersex condition but people with intersex contacted me because I started writing histories of medicine that had to do with the way medicine had treated intersex. I thought I had never met an intersex person when I started writing those histories. As it turns out a boy I grew up with was intersex. And when my mother told me that after she read my first book, she said to me, "You didn't know this but John so-and-so was intersex and his parents didn't know what sex to assign him." And I said Mom, "Tell me where he is so I can hook him up with this support group, and my mother said, "Oh no, we never told him." And that turned out to be really consistent from what I found once people with intersex contacted me and asked me to listen to them. At first I wasn't interested in listening to them because I thought, I am an historian, I deal with dead people. But they said to me, just take a look at what is happening in medicine today. And that was easy for me to do. My husband is an internists and I was able to roll across the room and look at his textbooks and I was shocked to find that very well intentioned physicians were doing things that struck me as really problematic for a sexual point of view, from a moral point of view, from and ethical point of view, and now I understand, from a human rights point of view. It seems to me that what human rights are primarily about is the idea that you don't treat people differently just because their bodies are different. The civil rights movement was about treating people of color, the same, as people who were white and to recognize we shouldn't treat them differently just because they are dark skinned. The women's rights movement was about recognizing that just because you were born without a penis, doesn't mean that you should not be allowed

to vote, or hold property. The gay and lesbian rights movement has been the same sort of thing and now the intersex rights movement is the same thing. So I kind of realize that this really is a human rights issue. I want to emphasize that I've learned over the years that the people who form these practices, for the most part, had good intentions. They wanted to end up with health, happy patients. But good intentions are not enough, and many of them are struggling in institutions where it is very hard to provide psychosocial support. Where it is very hard to hold off on surgeries because insurance companies reimburse surgeries, but they won't insure for psychosocial care. If you pass this report, what you are going to do is give an incredibly important document to people working in medical institutions who want to change the system, who need the strength of somebody telling them, this is how you have to do it, and you have to do it because it is about human rights. There are people ready to do what you are asking them to do in this report but they need the strength to do it. They are up against a difficult insurance system. They are up against a difficult social system. If you tell them to do this, they are going to do it, they are ready to do it, many of them are ready to do it. I know that because I spoke with UCSF today and there are people there seeking help. So, I really, really, really hope you will pass this report and I'll guarantee you, because I am the historian of the intersex race movement, that if you do it, you will get to be in the history. Thank you."

* * *

"Good evening Commissioners. My name is Cheryl Chase. I am the founder and the Director of the Intersex Society of North America. I was born with an intersex condition, and I had an experience very similar to the experiences you've heard described by many other intersex people in the hearing last Spring. What the HRC has done in the report that you will be looking at tonight, is to recognize me as a human being. You've stated in this report that just because I was born looking in a way that bothered other people, doesn't mean that I should be excluded from human rights protections that are afforded to other people. Children born like me deserve to be treated like other people. We should not have our genitals displayed for other people as education. We should not be lied to about our medical histories. We shouldn't be shamed because our parents are distressed about our appearance. And no one should be allowed to cut our genitals because they are distressed by the way our genitals look. In 1996, the U.S. Congress passed legislation that prohibits cutting any girls' genitals because someone thinks it would be a good idea, because of cultural reasons. That legislation contains an exemption for when doctors think it is necessary. I spoke this week with one of the doctors who is responsible for my care and he explained to me—this is not a doctor with a minority opinion, he is a very famous man, his name is instantly recognizable to everyone who is a specialist in this field, and he is well respected—he said the reason we have to do these surgeries—he said yes, we do less now because of your work Cheryl—but the reason we still do some is because parents are distressed. They don't like their children with unusual looking genitals. They couldn't accept them and parents have the right to make that choice. And I don't think that is actually so. I urge you to pass this report because it will give medical professionals and institutions the push they need and the ammunition they need to put into practice a patient centered model of care. Where the interventions and the care that doctor's offer to intersex children is guided principally by the needs of that child over their entire life. Thank you."

* * *

"Hello. Thank you Commissioners. Thank you Chair. My name is Emi Koyama and I am the Director of Intersex Initiative, which is another national intersex activist and patient advocacy organization. We're based in Portland, Oregon. I flew this morning from Portland to here to attend this meeting because I wanted to be part of this history in the making. Because I did not submit a statement, I didn't realize that there was public comment section, which I should have known, but I didn't realize

that. So only thing I can add to everything else that everybody is speaking to, is that everything in this report finally, at the very official level, validates what we have been saying for many years, experiencing for many years. The things that could have been rejected as some strange activist making accusations about something because they are just unhappy about their life in general. Finally there are more people speaking out about it, seeing more patterns in it, and that it is being investigated by a public human rights organization. And that has a huge impact all over. I would like to also add that it is going to have a huge impact outside of San Francisco as well. I come from Portland, last year when the City of San Francisco all of a sudden started issuing same-sex marriage licenses, three weeks later, we started doing the exact same thing, so that is the example of how the leadership of San Francisco has spread to other cities. Of course that had to stop because of all the legal reasons. But I see this spreading into Portland into other areas and having a huge impact nationally and internationally and this is very important for our movement and so I join others in urging the Commission to pass and adopt these recommendations and report. Thank you very much."

* * *

David Cameron. "Commissioners it is really an honor to be here again in front of you. I didn't really prepare anything, but I really wanted to say that in 1996 Cheryl Chase and I appeared before the LGBTAC as the first panel to educate them on intersex issues, and then I also did another panel in front of them in 2002. It has been a long haul. I feel very privileged to be part of this process and I really urge you to—that you will adopt this report. And on behalf of all of those people that are very gender variants from what we would consider the standard two gender, two sex system in America that are subject to sex hormone interventions because they are different. I would really urge you that this report would have profound difference I their lives."

* * *

Eli Sembeggakwine (-sp). "I won't to repeat everything that we went through in the hearing that I was part of in May in front of you all. I just came tonight to be part of, hopefully, this final stage of what has been a really, really, long process. And I've been one of the people who has been working on this for a long time from a long time before the actual hearing and thanks for your part of that. And I hope that it does come to a resolution today that there is going to be a report officially validated by the Human Rights Commission that we put all of this work into for all of the reasons we have been talking about and that I believe are clearly stated in the report that you guys have. Thanks."

* * *

A representative read the following letter from UCSF into the record.

"Dear Mr. Heinicke:

UCSF Children's Hospital is appreciative of the proposed Human Rights Commission report on intersex and congratulates you for your work in this important area. I am grateful for the opportunity to review the report in advance. Much progress has been made in medical responses to intersexuality as the report notes, but much remains to be done. The HRC report is an important step toward brining this issue to the forefront of the public's consciousness.

We at UCSF are committed to the ongoing study of this issue, in concert with patients, medical professionals, community activists, and others interested in this

important work. In anticipation of the work to be done, I have convened an interdisciplinary task force to review the HRC's recommendations. As the repot notes, it is clear that education will be a major component of this work, and UCSF is committed to substantial patient and family education along the lines recommended by the report.

Again, we are grateful for the HRC's interest and work in this area, and we look forward to working together on this important issue.

Sincerely,

Diana Farmer, MD
Professor of Surgery, Pediatrics, OB-Gyn & Reproductive Sciences
UCSF School of Medicine
Surgeon-in-Chief
UCSF Children's Hospital"

The representative also stated that the draft report has been circulated at UCSF, but not fully reviewed. This letter is a show of support and enthusiasm, not necessarily an endorsement. So far, UCSF's reaction to the recommendations contained in the report are issues that UCSF is eager to study.

Chair Heinicke stated that Dr. Baskin from UCSF gave testimony at the intersex hearing and some of the things that he said may be viewed as a little bit inconsistent, or not totally aligned with some of the recommendations contained in the report. While Dr. Baskin does not speak for the university, Chair Heinicke asked if the university has established protocols or guidelines regarding these issues, and normalizing surgeries in particular.

The representative stated that in this country, there are no guidelines for care and treatment in these instances. Although the review of this report has not been completed yet, the initial reaction to this report from the highest level at the medical center has been enthusiastic.

* * *

Chair Heinicke stated that the report is lengthy and was circulated in advance and invited any Commissioner questions. He stated that the amount of input and effort that has gone into this report is remarkable. The questions and comments that the Chair has provided were in effort to accentuate already excellent work. Since this report will receive national and international attention, the Chair intends to make the report as good as possible because this a very important issue.

Commissioner Sohcot asked if there was a particular rational regarding the ordering of the findings. Mr. Arana stated that the findings were originally grouped into sections to keep like findings such as education, social aspects, et cetera, together, so the would hopefully flow together. Commissioner Sohcot asked if the statements reflecting the human rights aspects, such as statements 19 and 68-71, could be brought forward in the report.

Commissioner Larry Lee asked how a situation is handled when a parent and child disagree on what gender, or course of action should be taken next. Marcus Arana (HRC Staff) stated that an article from the American Academy of Pediatrics (1995) discusses the issue of consent and assent to surgery and that children should have the right to decide whether or not medically unnecessary procedures should be performed on them.

Dr. Alice Dreger stated that American Academy of Pediatrics in 1995 passed a resolution regarding children's assent to surgery and they suggested that children should have the right to decide whether or not medical unnecessary procedures should be performed on them. One of the examples contained in the report is of a child born with a malformed ear, and whether or not a surgery should be done to make it look more normal. The finding in this instance was to wait until the child had the opportunity to decide if he/she wanted surgery. Sociological studies show that people who get surgeries that they want, they report being much more satisfied with the results. The reports also discusses is that allowing children to make their own decisions about their own health care, empowers them as moral agents and allows them to grow into mature moral agents who understand decision making. It is not about performing surgery on a child, it is about treating a child as a human being.

Dr. Dreger stated that she has spent ten years seeking (even anonymous) testimony from an intersex person who would attest that they were happy that their parents chose the surgery, and no one has come forward. She stated that the Human Rights Commission has taken seriously the testimony from those with intersex.

Chair Heinicke stated that there are those who don't even know that they received 'normalizing' surgery when they were infants because their parents never told them, therefore we are not able to have full input from everyone who has had these surgeries.

Dr. Dreger stated that when faced with an incomplete set of data, we must return to basic ethical principles. If intersex people are stating that they unhappy with these surgeries, maybe there is something ethically problematic.

Chair Heinicke asked are there psychological issues for the child and if so, when does that cross into the area of medical pertinence or necessity.

Dr. Dreger stated that there is no data that stated that children who grow up with ambiguous genitals specifically receive more or less bullying than the general population, but noted two studies: Reily and Woodhouse (1989) which stated that micro-penis boys do not suffer more psychological distress than the general population and John Money's dissertation at Harvard (1953) which studies one hundred people with intersex before the age of surgery and found that they had a lower rate of psychopathology than the general population. Chair Heinicke asked that the Reily and Woodhouse be included in the report.

Commissioner Del Portillo asked how the report was being disseminated and stated that the report has introduced terms and vocabulary, which gives society permission to discuss the issue more in depth.

Marcus Arana (HRC Staff) stated that the report will be available on our website and a few bound copies will be available.

Chair Heinicke noted that the issue of intersex is mostly unknown and most people do not have the information to create change. He stated that this report is important in stimulating debate and providing information, so that society can work toward a solution. He stated that if no empirical data exists that supports that 'normalizing' surgeries do not have psychological benefits, then there is really no evidence of any benefit. Dr. Dreger agreed, and Chair Heinicke resulted that this statement be highlighted in the report.

Commissioner Chung praised HRC Staff and the LGBT Advisory Committee for the time and energy that they have put into this report. As a transgender person, this report

has a personal meaning for many people who grow up being different.

Commissioner Norman stated that she supports the report and it brings up the moral, human rights, aspect of this issue. This report supports the Hippocratic Oath of 'do no harm' and that human beings have the right to make their own decisions. While these well-meaning decisions of performing normalizing surgeries have been made, they have been detrimental to the human being, therefore we must stop these non-medically necessary surgeries.

Commissioner Norman moved to adopt the report.

Commissioner Del Portillo asked that the comments that have been made at this meting be added to the final report and asked for a roll call vote.

Chair Heinicke wondered where the medical community stood on this issue. He stated that the American Medical Association and the American Urological Association told the HRC that they did not have a position on this issue. The American Academy of Pediatrics stated that they presume surgery then tell you how to do it. They have provided an ambiguous response regarding whether or not to perform normalizing surgeries in the first place, and he was concerned because many people defer to the American Academy of Pediatrics stance on this issue.

Dr. Dreger stated that a number of medical groups are shifting and changing their policies, and she suspects the American Academy of Pediatrics is undergoing the same process.

There was no further Commissioner or public comment.

Chair Heinicke entertained Commissioner Norman's motion to approve the report. The report was seconded (Del Portillo), and APPROVED by the following roll call vote:

Ayes 6 Chung, Del Portillo, Heinicke, Lee, F.W., Norman, Sohcot
Noes 0
Absent 4 Baghdadi, Kahn, Lee, L., Patton

7. Overview of the duties and responsibilities of HRC Divisions
This item was continued to the next HRC regular meeting on February 10, 2005.

8. Discussion of Human Rights Commission 2005-2006 Budget
This item was continued to the next HRC regular meeting on February 10, 2005.

9. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
There was no Commissioner discussion of matters of interest for possible inclusion of future agenda Items.

10. Adjournment
There being no further business, the meeting was adjourned at 6:09 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, February 10, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Cecilia Chung
Carlota del Portillo
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.sfhrc.org

HRC CALENDAR February/March

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ORDER OF BUSINESS

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2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No Attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

6. Approval of HRC resolution honoring the life of Stan Warren
   Action Item - Attachment to be provided at meeting
   Present: M. G. Starkweather

7. Overview of the duties and responsibilities of HRC Divisions
   Discussion Item - Attachment to be provided at meeting
   Present: All Divisions Reporting

8. Approval of Human Rights Commission 2005-2006 Budget
   Action Item - Attachment to be provided at meeting

REGULAR BUSINESS

9. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
   Discussion Item - No Attachment

10. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures
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City and County of San Francisco
Human Rights Commission

February 10, 2005 (Draft)

1. Call to Order and Roll Call
Acting Chair Del Portillo called the meeting to order at 4:30 p.m.

Commissioners Present	Commissioners Excused
Khaldoun Baghdadi (left 5:09 pm)	Malcolm A. Heinicke, Chair
Cecilia C. Chung	Pat Norman
Carlota Del Portillo	Ellouise Patton
Yoel Kahn	Sandra Sohcot
Faye Woo Lee	
Larry Lee	

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HRC Staff Present
Virginia Harmon, Executive Director; Toni A. Delgado, Commission Secretary; Frank Anderson; Marcus Arana; Larry Brinkin; Carmen Herrera; Kabir Hypolite; Melinda Kanios; Yong Lee; Hadas Rivera-Weiss; Joyce O. Smith; Mary Gin Starkwwather; Preston Tom; David Treanor; Domenic Viterbo; and Tamra Winchester.

Guests Present
Cheryl Chase and James Fields

A quorum was present.

2. Circulate General Communications File
A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda
James Fields wanted to let the Commissioner know that he was at the Office of Labor Standards and that he wished them all well.

Cheryl Chase with the Intersex Society wanted to commend the Commissioners for bringing the human rights perspective to the medical management of intersex people. She stated that the report will be a historical document and the issue of intersex is social. She stated that the report will help young doctors to reform practice.

There was no further public comment on this item.

4. Report of the Chair
Acting Chair Del Portillo made no report.

5. Individual Commissioner Reports on Community Activities

Commissioner Chung stated that she traveled to Southern California with former Commissioner Theresa Sparks to witness a forum on transgender health access issues.

6. Approval of HRC resolution honoring the life of Stan Warren
Director Harmon introduced a resolution honoring the life of Stan Warren who served on the Employment Committee for the Human Rights Commission and this resolution, prepared at the request of Commissioner Larry Lee, we express our appreciation for the work of Mr. Warren and ask for Commission approval for this resolution.

Commissioner Larry Lee stated that he worked with Mr. Warren for the past thirteen years and he stated that Mr. Warren was a people person and a man with a giant heart.

There was no public comment on this item.

The approval of HRC resolution honoring the life of Stan Warren was moved (Lee), seconded (Kahn), and APPROVED by the following vote:

Ayes 6 Baghdadi, Chung, Del Portillo, Kahn, Lee, F.W., Lee, L.
Noes 0
Absent 4 Heinicke, Norman, Patton, Sochot

7. Overview of the duties and responsibilities of HRC Divisions
Director Harmon stated that HRC staff have prepared a quick overview of the Commission's legislative mandates, how those mandates are implemented by the HRC and how resources are allocated.

Lesbian, Gay, Bisexual, Transgender & HIV Division (LGBTH)
Yong Lee (HRC Staff) stated that the LGBTH division investigates and mediates complaints of discrimination in employment, and public accommodation on the basis of gender identity, HIV status, sexual orientation, and domestic partner status. Complaints can be brought against City contractors under Chapters 12B and 12C of the administrative code and complaints can be brought against businesses in San Francisco under Articles 33 and 38 of the Police Code. In 2003-2004 fiscal year, we took approximately 1,500 actions on the various complaints and inquiries that we received. Complaints begin with and intake where the complainant comes in and discusses the allegations that they have. If the HRC has jurisdiction and has enough evidence, the HRC will draft a formal complaint that is sent to the respondent. At that time, we will ask the parties to engage in a meditative process. In that process, the HRC remains a neutral party. The meditative process can include meeting the parties and trying to negotiate a settlement, or asking the parties to come in for a more formal mediation. If the mediation is unsuccessful, the HRC may investigate the complaint through interviewing witnesses and review any further evidence that the HRC can find. The investigation may lead to a Director's finding which can be for the complainant or for the respondent. If the finding is against a City contractor, the HRC can recommend in it's finding that the contracting department issue sanctions against the contractor. Sanctions can include fines to revocation of current contracts and debarment from future contracts. This finding can be appealed to the Commission. At any time during the complaint process, the complaint may settle. Settlements include money, back pay to the employee(s), donations to non-profits on behalf of the complainant, and an end to the harassing behavior, sensitivity training for managers and co-workers, or policy changes, such as the inclusion of gender identify and sexual orientation as protected categories is a company's non-discrimination policy.

David Treanor (HRC Staff) stated that the purpose of the Equal Benefits Ordinance is to end discrimination in benefits offered by City contractors to employees with

spouses and employees with same or opposite sex domestic partners. The HRC takes about 7,000 actions per year to help contractors comply with the ordinance, which includes assisting potential contractors and City departments to understand the requirements of the law, to evaluate documents that are submitted by potential contractors, and to make presentations at pre-bid conferences, certification workshops, contractor town hall meetings, and other public speaking events. The HRC also evaluates request for waivers by the appropriateness of the request, works with departments on the preparation of the necessary paperwork, researches alternatives sources for needed goods and services, and work with potential contractors to gain compliance with the ordinance.

Marcus Arana (HRC Staff) stated that the HRC conducts educational trainings in the areas of gender identity, sexual orientation, HIV in the Workplace, and equal benefits, domestic partners. The HRC conducts trainings for members of the public, community based organizations, for contracting entities with the City and County of San Francisco, other City departments and other governmental entities. Often, we are invited to provide training as a regular part of an organization's staff development. The HIV Workplace training and the SFPD gender identity community awareness training are conducted on an ongoing basis and some of our trainings are conducted as a condition of a settlement agreement in a discrimination complaint. This program is very important to our anti-discrimination work, trainings can bring a message of San Francisco's values and that has a preventative or deterrent effect in the workplace. The trainings can improve workplace culture, diminish intergroup tensions, help keep contractors compliant by educating all of the crews on the law and policies of San Francisco. The training programs broadened educational efforts by sharing training ideas and curriculum with other groups and jurisdictions who are conducting their own trainings. Finally, these trainings are an excellent outreach vehicle for conveying the work that the Commission does to the community at large.

Commissioner Kahn asked about if the LGBTH Division recorded 1,500 complaints. Mr. Lee stated that the division received over 100 complaints and 300 inquiries, but 1,500 actions were taken toward the outcome of those complaints and inquiries.

Commissioner Kahn also asked if the HIV in the Workplace was only provided to city contractors, and Mr. Lee stated that the training is available to individuals, employers, or any organization that requests the training.

Equal Opportunity (EO) in Contracting Division
Preston Tom (HRC Staff) stated that the Equal Opportunity in Contracting Division works under Chapter 14A of the City's Administrative code. This ordinance was enacted in August 2004 and it is an emergency ordinance enacted due to the state court enjoining the City from enforcing the former ordinance, Chapter 12 D.A. A new permanent ordinance is being drafted by the Board of Supervisors.

Melinda Kanios (HRC Staff) works in the Certification Unit of the EO Division along with Maria Cordero. Prior to July 2004, under the Minority, Women, Local Business Enterprise program (Chapter 12.D.A), MBEs received prime and subcontracting benefits and the LBEs receive only prime benefits. When vendor applies for HRC certification, they had to meet the following criteria: local office, provide a commercially useful function, had to be 51% majority ownership to be deemed minority or woman owned, and economically disadvantaged over a three year period, and the majority owner had to possess the license or experience required. Presently, all vendors applying for certification seek the DBE status, and all receive prime and subcontracting benefits. The DBE requirements are very similar to the previous program, but excludes gender or race provisions.

To become certified, a company must have a local, operating office for at least six-

months. To be economically disadvantaged, a businesses gross receipts over the last three years must fall under the following thresholds: Construction (A or B license) $14 million, Specialty Construction (C License) $7 million, General Services $7 million, Special services (architecture and engineering, construction management) $2.5 million, trucking $3.5 million, and Telecommunications $5 million.

For those businesses who do not meet all of the requirements for certification, (i.e. - small, but not located in San Francisco, or businesses that are local, but not economically disadvantaged) the HRC provided a registry program.

Mr. Tom stated that annually, the City does hundreds of millions of dollars in contracting activities and our ordinance impacts those contracts in three major categories: Construction, Professional Services, and General Services. Once a firm is certified as a DBE they are entitled to a 10% bid discount. Non-certified firms may joint venture with certified firms and they are eligible for a joint venture discount of 5% or 7.5%. 5% applies when a DBE is participating at at least 35%, but less than 40%. The 7.5% joint venture bid discount when a DBE participation is equal to or exceed 40%. Contracts are awarded to the lowest responsive bidder. DBEs or joint ventures will have 5%, 7.5%, or 10% deducted from their actual bid which may affect if they or someone else is the lowest bidder. Professional Services contracts, which are not evaluated but lowest responsive bidder, but by a point system, DBEs will be awarded bonus points, and the proposer with the highest points is eligible to contract with the City. This program applies to for-profit business and does not extend to non-profit agencies.

On all City contracts, the HRC establishes a sub-contracting goal which are calculated by the scope of work and the availability of DBE firms. A proposer that submits a proposal or a bid must demonstrate that they will meet the sub-contracting goal. If they did not meet the goal, they must submit good faith efforts. The EO unit also monitors the performance of the contracts to make sure that all of the DBE firms are paid promptly and in fair manner.

Commissioner Kahn asked what were the benefits of being registered. Ms. Kanios stated that a registered businesses can participate in meeting DBE goals.

Commissioner Kahn asked if the registry process and forms is the same as becoming certified with the HRC. Ms. Kanios stated that the submittal process has far fewer requirements than the certification process.

Acting Chair Del Portillo asked for copies of the certification application and the registry application so that she can understand the process of certification.

Acting Chair Del Portillo asked that the remaining presentation from the Employment, Housing and Public Accommodations Division be made at the next Commission meeting.

Allocation of HRC Resources
The Human Rights Commission currently consists of 40 staffers who perform the tasks that were just presented. The Employment, Housing and Public Accommodations Division represents 24% of staff resources, the LGBTH division represents 23% of staff resources, the EO represents 35% of staff resources, and the administration represents 18% of staff resources. In the upcoming fiscal year, we anticipate the shifting of staff to ensure that our mandates are covered while reducing our budget as requested by the Mayor's budget office.

8. Approval of Human Rights Commission 2005-2006 Budget

Joyce O. Smith (HRC Staff) presented the Commissioners with the department's total budget over the past four years. In the past four years, the HRC has lost almost a half million dollars. Ms. Smith also provided the Commissioners with an outline of the general fund allocation and identifies the cuts the HRC has taken since the 2002-2003 fiscal year. Although the work order revenues have increased, the department's general fund allocation has decreased by $869,179 since the 2002-2003 fiscal year.

The HRC faced a mid-year reduction to the general fund allocation of $75,000. This decrease will be carried forward into the next fiscal year. In addition, in 2005-2006 fiscal year, a mandatory 7.5%, or $82,442, reduction has been requested. We are also required to present a contingency plan for an additional 5%, or $52,264, reduction. If the contingency is taken, the total reduction of the department's 2005-2006 general fund will be $135,818. Due to the severity of these reductions, we can only make further reductions through reducing staff salaries. The mandatory 7.5% reduction will be addressed through an anticipated resignation of an HRC staff person in the upcoming fiscal year. Work assignments will have to be shifted amongst staff to cover the current workload. In addition, the 5% contingency will have to be addressed through further reductions through further salaries. This reduction will have an increased impact on our ability to meet our mandates in a timely manner. The HRC will make every effort to serve the public with the available resources.

Director Harmon asked that the Commissioners approve the budget reductions so that we may submit them to the Mayor. Again, we will be meeting these reductions by reducing staff expenditures.

Commissioner Kahn asked if the HRC implements any discretionary programs. Director Harmon stated that the programs that were presented this evening are mandated and there are no discretionary programs, and added that the HRC must prioritize its work.

There was no public comment on this item.

The Human Rights Commission 2005-2006 Budget was moved (Baghdadi), seconded (Kahn), and APPROVED by the following vote:

Ayes 6 Baghdadi, Chung, Del Portillo, Kahn, Lee, F.W., Lee, L.
Noes 0
Absent 4 Heinicke, Norman, Patton, Sochot

9. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
There was no Commissioner discussion of matters of interest for possible inclusion of future agenda Items.

10. Adjournment
There being no further business, the meeting was adjourned at 5:16 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, February 24, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Cecilia Chung
Carlota del Portillo
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR February/March

February 03
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 09
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 10
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

February 15
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 16
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 24
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

March 03
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 09
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 10
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

March 15
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 16
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 24
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of minutes of Commission Meeting of December 06, 2004
   Action Item - Attachment provided
   Present: T. Delgado

5. Approval of minutes of Commission Meeting of January 13, 2005
   Action Item - Attachment provided
   Present: T. Delgado

REPORT OF THE CHAIR

6. Report of the Chair
   Discussion Item - No Attachment

7. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

8. Overview of the duties and responsibilities of the HRC's Employment, Housing and Public Accommodation Division
   Discussion Item - Attachment to be provided at meeting
   (Continued from 02-10-04 Commission Meeting)
   Present: EHPA Division

9. Presentation of Chapter 14A Waiver Report for January 2005
   Discussion Item - Attachment provided
   Present: M. Kanios

REGULAR BUSINESS

10. **Update on Intersex Report: Discussion and possible approval of the inclusion of additional testimony**
Action Item - Attachment to be provided at meeting
Present: Brinkin / Arana

COMMITTEE REPORTS

11. **Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of February 16, 2005 Meeting**
Commissioner Khaldoun Baghdadi, Co-Chair
Commissioner Yoel Kahn, Co-Chair
Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong
Discussion Item - No Attachment

12. **Employment Committee: Report of December 02, 2004 and February 03, 2005 Meeting**
Discussion Item - No Attachment
Commissioner Larry Lee, Chair
Commissioner Faye Woo Lee, Co-Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
Discussion Item - No Attachment

13. **Issues Committee: Report of January 12 and February 09, 2005 Meetings**
Discussion Item - No Attachment
Commissioner Carlota del Portillo, Co-Chair
Commissioner Ellouise Patton, Co-Chair
Commissioner Sandra E. Sohcot, Co-Chair
Committee Staff: Emil De Guzman, Carmen Hererra
Discussion Item - No Attachment

14. **Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of February 15, 2005 Meeting**
Commissioner Cecilia Chung, Co-Chair
Commissioner Pat Norman, Co-Chair
Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
Discussion Item - No Attachment

RETURN TO REGULAR BUSINESS

15. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
Discussion Item - No Attachment

16. **Adjournment**

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City and County of San Francisco
Human Rights Commission

February 24, 2005

Minutes
Regular Meeting
February 24, 2005
APPROVED 05-12-05

1. Call to Order and Roll Call
Chair Heinicke called the meeting to order at 4:34 p.m.

Commissioners Present Commissioners Excused
Carlota Del Portillo Khaldoun Baghdadi
Malcolm A. Heinicke, Chair Cecilia C. Chung
Faye Woo Lee Yoel Kahn
Pat Norman Larry Lee
Ellouise Patton (arr. 4:36 pm)
Sandra Sohcot

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HRC Staff Present
Virginia Harmon, Executive Director; Toni A. Delgado, Commission Secretary; Marcus Arana; Larry Brinkin; Linda Chin; Cynthia Goldstein; Carmen Hererra; Ed Ilumin; Zula Jones; Melinda Kanios; Diana Rathbone; and Virma Walton (HRC/PUC Employment).

Guests Present
Jun Pan (Falun Gong Practitioner)

A quorum was present.

2. Circulate General Communications File
A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda
Jun Pan, Falun Gong practitioner brought a letter outlining a possible discrimination case against Falun Gong practitioners on February 19, 2005 for the Chinese New Year Parade. Mr. Pan stated that the Falun Gong's application to participate in the parade was initially rejected. After appealing to the Chinese Chamber of Commerce, Falun Gong practitioners were allowed to participate in the parade, but were placed at the end of the procession and at times were not allowed to proceed. Mr. Pan's letter is available on file at the HRC Main Office.

Chair Heinicke referred this complaint to HRC Staff through the Director.

There was no further public comment.

4. Approval of minutes of Commission Meeting of December 09, 2004
The minutes of Commission Meeting of December 09, 2004 were presented to the Commission for approval.

The approval of the minutes of Commission Meeting of December 09, 2004 were moved (Del Portillo) and seconded (Sohcot).

Commissioner del Portillo abstained from voting on the minutes. Lacking a vote of six, the minutes of December 09, 2004 were NOT APPROVED.

There was no public comment on this item.

5. Approval of minutes of Commission Meeting of January 13, 2005
The minutes of Commission Meeting of January 13, 2005 were presented to the Commission for approval.

Commissioner Norman noted a spelling correction on page six of the minutes.

With the above noted changes, the approval of the minutes of Commission Meeting of January 13, 2005 were moved (Del Portillo), seconded (Sohcot), and APPROVED by the following vote:

Ayes 6 Del Portillo, Heinicke, Lee, F.W., Norman, Patton, Sohcot
Noes 0
Absent 4 Baghdadi, Chung, Kahn, Lee

There was no public comment on this item.

6. Report of the Chair
There was no report of the chair.

7. Individual Commissioner Reports on Community Activities
There were no Individual commissioner reports on community activities.

8. Overview of the duties and responsibilities of the HRC's Employment, Housing and Public Accommodation Division
Commission Staff presented the Commission with an overview of the legislative mandates of the HRC and how they are implemented. The full PowerPoint presentation is attached to these minutes.

There was no public comment on this item.

9. Presentation of Chapter 14A Waiver Report for January 2005
Melinda Kanios (HRC Staff) presented the Commissioners with the 14A Waiver Report for January 2005.

There was no public comment on this item.

10. Update on Intersex Report: Discussion and possible approval of the inclusion of additional testimony
Director Harmon stated that through the Mayor's Office, the HRC received a letter from Dr. Larry Baskin of UCSF. Dr. Baskin requested for the opportunity to respond to the report and provide additional testimony from patients who have had successful outcomes. Director Harmon requested that the report be re-opened for a short period of time to include Dr. Baskin's additional testimony from other patients, then

re-adopted at a future Commission meeting.

Pat Norman moved that the HRC re-open the report to include Dr. Baskin's testimony from other patients with successful outcomes, seconded(Del Portillo), and APPROVED by the following vote:

Ayes 6 Del Portillo, Heinicke, Lee, F.W., Norman, Patton, Sohcot
Noes 0
Absent 4 Baghdadi, Chung, Kahn, Lee

There was no public comment on this item.

11. Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of February 16, 2005 Meeting
There was no report.

12. Employment Committee: Report of December 02, 2004 and February 03, 2005 Meeting
Linda Chin stated that in December, the Employment Committee received a presentation from bank of the West on employment opportunities. Director Harmon presented the HRC budget for the 2005-2006 fiscal year. Diana Rathbone offered an update on the employment-monitoring program at the PUC. The committee discussed future goals and projects for the upcoming program year. At the February meeting, the committee received a presentation from Legal Services for Prisoners with Children, discussing barriers that formerly incarcerated people face when trying to find jobs, housing, and government services.

There was no public comment on this item.

13. Issues Committee: Report of January 12 and February 09, 2005 Meetings
Carmen Herrera stated that at the February 9 meeting, the committee discussed their current membership. Committee member James Rodriguez was appointed to the General Probation Commission. In 2005, the committee will undertake a broad study of San Francisco's diverse population by district to understand problems in a variety of areas. Staff provided a report on the Patriot Act II and the Real I.D. Act of 2005.

There was no public comment on this item.

14. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of February 15, 2005 Meeting
Marcus Arana stated that the Committee held a panel on LGBT Immigration Issues. The committee discussed membership, and discussed adding 'intersex' into LGBTAC title. The committee is planning it's annual retreat for some time in early April or early May.

There was no public comment on this item.

15. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
There was no Commissioner discussion of matters of interest for possible inclusion of future agenda items.

16. Adjournment
There being no further business, the meeting was adjourned at 6:13 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, March 10, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Cecilia Chung
Carlota del Portillo
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR March/April

March 03
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 09
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 10
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

March 15
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 16
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 24
HRC Special Commission Meeting
Commission Retreat
4:30pm
25 Van Ness Avenue, #800
Main Conference Room

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Employment Committee Meeting
1:30pm
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4:30pm
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April 20
DBE Advisory Committee Meeting
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April 28
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of minutes of Commission Meeting of January 27, 2005
   Action Item - Attachment to be provided at meeting
   Present: T. Delgado

5. Approval of minutes of Commission Meeting of February 10, 2005
   Action Item - Attachment to be provided at meeting
   Present: T. Delgado

REPORT OF THE CHAIR

6. Report of the Chair
   Discussion Item - No Attachment

7. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

8. Presentation of Chapter 14A Waiver Report for February 2005
   Discussion Item - Attachment to be provided at meeting
   Present: M. Kanios

HRC DIVISION REPORT

9. **Lesbian Gay Bisexual Transgender & HIV (LGBTH) Division**
   LGBT Issues in the South Asian Community
   Discussion Item - No Attachment
   Present: L. Brinkin

REGULAR BUSINESS

10. **Presentation on HRC Hearings, Reports and Activities**
    Discussion Item - No Attachment
    Present: T. Delgado

11. **Planning discussion on March 24, 2005 Commissioner Retreat**
    Discussion Item - Attachment provided
    Present: T. Delgado / V. Harmon

COMMITTEE REPORTS

12. **Employment Committee: Report of March 03, 2005 Meeting**
    Discussion Item - No Attachment
    Commissioner Larry Lee, Chair
    Commissioner Faye Woo Lee, Co-Chair
    Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
    Discussion Item - No Attachment

13. **Issues Committee: Report of March 09, 2005 Meetings**
    Discussion Item - No Attachment
    Commissioner Carlota del Portillo, Co-Chair
    Commissioner Ellouise Patton, Co-Chair
    Commissioner Sandra E. Sohcot, Co-Chair
    Committee Staff: Emil De Guzman, Carmen Hererra
    Discussion Item - No Attachment

RETURN TO REGULAR BUSINESS

14. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
    Discussion Item - No Attachment

15. **Adjournment**

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City and County of San Francisco
Human Rights Commission

March 10, 2005
Minutes
Regular Meeting
March 10, 2005
APPROVED 05-12-05

1. Call to Order and Roll Call
Chair Heinicke called the meeting to order at 4:38 p.m.

Commissioners Present Commissioners Excused
Cecilia C. Chung Khaldoun Baghdadi
Carlota Del Portillo Ellouise Patton
Malcolm A. Heinicke, Chair
Yoel Kahn (left at 5:57 p.m.)
Faye Woo Lee
Larry Lee
Pat Norman
Sandra Sohcot

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HRC Staff Present
Virginia Harmon, Executive Director; Toni A. Delgado, Commission Secretary; Marcus Arana; Larry Brinkin; Linda Chin; Emil DeGuzman; Cynthia Goldstein; Zula Jones; Melinda Kanios; Mindy Lee (HRC Intern); and Veronica Ng.

Guests Present
Jun Pan (Falun Gong Practitioner)

A quorum was present.

2. Circulate General Communications File
A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda
Nan Su, Falun Gong practitioner brought a letter outlining a possible discrimination case against Falun Gong practitioners on February 19, 2005 for the Chinese New Year Parade. Mr. Su's letter and materials are available on file at the HRC Main Office.

Huy Lu, also expressed his concern about the discrimination against the Falun Gong at the Chinese New Years Parade and urged the Commission to attend to this matter.

Chair Heinicke stated that this complaint is currently being heard by Commission staff.

There was no further public comment on this item.

4. Approval of minutes of Commission Meeting of January 27, 2005
Chair Hienicke noted that the City Attorney advised all Commissioners that they must vote on the approval of minutes even if they were not in attendance of the meeting. The can certainly vote to confirm that the minutes reflect that they were not there.

The minutes of Commission Meeting of January 27, 2005 were presented to the Commission for approval.

Commissioner Sohcot noted a misspelling on page eight of the minutes.

With the above noted changes, the approval of the minutes of Commission Meeting of January 27, 2005 were moved (L. Lee), seconded (Sohcot), and APPROVED by the following vote:

Ayes 8 Chung, Del Portillo, Heinicke, Kahn, Lee, F.W., Lee, L., Norman, Sohcot
Noes 0
Absent 2 Baghdadi, Patton

There was no further public comment on this item.

5. Approval of minutes of Commission Meeting of February 10, 2005
The minutes of Commission Meeting of February 10, 2005 were presented to the Commission for approval.

The approval of the minutes of Commission Meeting of January 13, 2005 were moved (Del Portillo), seconded (L. Lee), and APPROVED by the following vote:

Ayes 8 Chung, Del Portillo, Heinicke, Kahn, Lee, F.W., Lee, L., Norman, Sohcot
Noes 0
Absent 2 Baghdadi, Patton

There was no further public comment on this item.

6. Report of the Chair
Commissioner Chair noted that the Statements of Economic Interest Form 700s and Sunshine Ordinance training declarations are due to the Ethics Commission by April 1, 2005.

There was no public comment on this item.

7. Individual Commissioner Reports on Community Activities
Commissioner Chung stated that the first transgender job fair will take place on March 22nd from 4 to 7 p.m. at the LGBT Community Center.

There was no public comment on this item.
8. Presentation of Chapter 14A Waiver Report for February 2005
Melinda Kanios (HRC Staff) presented the Commissioners with the 14A Waiver Report for February 2005.

There was no public comment on this item.

9. Update on Status of HRC Intersex Report
Director Harmon hoped to provide the Commission with a response from Dr. Baskin,

but we have not yet received a submission. Director Harmon, Chair Heinicke, and Secretary Delgado have been in contact with Dr. Baskin to schedule his testimony. Chair Heinicke stated that he hopes Dr. Baskin submits his testimony in short order for it is his intention to move the report forward in a timely manner.

Commissioner Norman asked why Dr. Baskin was able to come in and stop the process of this report since Dr. Diana Farmer from UCSF has already offered her support. Chair Heinicke noted that Dr. Baskin wrote a letter to the Mayor, and the full Commission voted at the last meeting to re-open the report to take additional testimony.

Commissioner Chung stated that the community has been waiting patiently since May of last year for this report and she would like to see this report moved finalized as quickly as possible.

Commissioner Norman expressed her concern about this report being held up for an indefinite period of time. Chair Heinicke stated that this report will move forward by the first meeting in April.

Commissioner Faye Woo Lee stated that the report would make more of an impact if it included testimony from all sides of the issue.

Peter Trinkl, Bodies Like Ours, spoke about the importance of the HRC's investigation into the matter of normalizing surgeries and is looking forward to the release of the report.

Cheryl Chase, Intersex Society, reiterated her appreciation for the hard work from the Commission done on this report. This report will be a huge benefit to families and medical professionals who deal with this issue.

There was no further public comment on this item.

10. Lesbian Gay Bisexual Transgender & HIV (LGBTH) Division
LGBT Issues in the South Asian Community
Larry Brinkin introduced Aleem Raja to discuss LGBT issues in the Southeast Asian community. Mr. Raja stated that he is a member of Trikone, a group representing queers in the Southeast Asian community. Mr. Raja stated that a study that identified that queer API groups are cohabitating younger than their non-API peer group. Mr. Raja stated that this is a salient point in understanding immigration and integration. The median household income for API same-sex households was generally lower than non-API households, lending to the fact that younger API couples are making more money than their parents, but are still making less money than non-API same-sex couples. There is a substantially higher number of children in API same-sex households, which speaks to the cultural value of having children in the household, and how queer API people hold steadfast to their culture. Lastly, Mr. Raja stated that a limited English proficiency among API queers was much more common than non-API people, which means that queer services are not always available.

There was no public comment on this item.

11. Presentation on HRC Hearings, Reports and Activities
Commission Secretary Delgado presented the Commissioners with the hearings, reports and activities that the HRC has undertaken in the past few years. The full PowerPoint presentation is attached to these minutes.

There was no public comment on this item.

12. Planning discussion on March 24, 2005 Commissioner Retreat
Director Harmon reminded the Commissioners that the next Commission meeting will be an informal planning meeting, held at the HRC Main offices on March 24, 2005 at 4:30 p.m. She encouraged the Commissioner to think about topics that may be important for the Commission or HRC Committees to work on.

There was no public comment on this item.

13. Employment Committee: Report of March 03, 2005 Meeting
Linda Chin stated that the Committee appointed four new members. The Committee received a presentation from the Labor Employment Development Department; discussed the under-representation of Asian women on the San Francisco police force; and received information from Legal Services for Prisoners With Children for a proposed resolution regarding employment, housing, and government services discrimination against ex-offenders.

There was no public comment on this item.

14. Issues Committee: Report of March 09, 2005 Meetings
Emil DeGuzman stated that Committee is working on membership for the 2005-2006 program year. The Committee discussed the collection of statistical data; April will be Fair Housing month and the Committee is discussing who will receive a certificate of honor for their work in fair housing; and the committee discussed the Real I.D. Act of 2005 and hoped to produce a letter of concern from the HRC to the Board of Supervisors on this anti-immigration legislation.

There was no public comment on this item.

15. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
There was no Commissioner discussion of matters of interest for possible inclusion of future agenda Items.

16. Adjournment
There being no further business, the meeting was adjourned at 6:07 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Special Meeting Agenda
Commission Retreat

Thursday, March 24, 2005
4:30 p.m.
HRC Main Office
25 Van Ness Avenue, Suite 800
Main Conference Room

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ROSTER OF COMMISSIONERS

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HRC CALENDAR March/April

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Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
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REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No Attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

6. Approval of Human Rights Commission co-sponsorship of the San Francisco Jewish Community Center's "A Day of Listening and Dialogue Between Communities"
   Action Item - Attachment Provided

REGULAR BUSINESS

7. Report from Committee Chairs of upcoming activities in the 2005-2006 program year
   Discussion Item - No Attachment

8. Discussion and possible action on key issues and priorities for the Commission in 2005
   Action Item - No Attachment

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City and County of San Francisco
Human Rights Commission

March 24, 2005
Minutes
Regular Meeting
March 24, 2005
APPROVED 05-12-05

1. Call to Order and Roll Call
Chair Heinicke called the meeting to order at 4:38 p.m.

Commissioners Present	Commissioners Excused
Khaldoun Baghdadi	Faye Woo Lee
Cecilia C. Chung (arr. 5:20 p.m.)	Larry Lee
Carlota Del Portillo	
Malcolm A. Heinicke, Chair	
Yoel Kahn (arr. 4:50 p.m. left 6:32 p.m.)	
Pat Norman (arr. 4:48 p.m. left 6:30 p.m.)	
Ellouise Patton (arr. 4:52 p.m.)	
Sandra Sohcot	

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HRC Staff Present
Virginia Harmon, Executive Director; Toni A. Delgado, Commission Secretary; Hrank Anderson; Larry Brinkin; Cynthia Goldstein; and Zula Jones.

Guests Present
Jun Pan (Falun Gong Practitioner)

A quorum was present.

2. Circulate General Communications File
There was no general communications file.

3. Public Comment on Items Not on the Agenda
Members from the organization All of Us or None presented the Commission with a handout, proposed resolution, and Human Rights Watch Report (available on file at the HRC main offices).

There was no further public comment.

4. Report of the Chair
Chair Heinicke reminded Commissioner that April 1st is the deadline to submit the Statement of Economic Interest Form 700 and Sunshine Ordinance Declaration.

There was no public comment on this item.

5. Individual Commissioner Reports on Community Activities
There were no individual Commissioner reports on community activities.

6. Approval of Human Rights Commission co-sponsorship of the San Francisco Jewish Community Center's "A Day of Listening and Dialogue Between Communities"
Commissioner Kahn asked the HRC to co-sponsor "A Day of Listening and Dialogue Between Communities" on May 15 between 12:30 p.m. and 6:00 p.m. at the Jewish Community Center on the occasion of the 60th anniversary of the end of the holocaust.

The approval Approval of Human Rights Commission co-sponsorship of the San Francisco Jewish Community Center's "A Day of Listening and Dialogue Between Communities" was moved (Baghdadi), seconded (Sohocot), and APPROVED by the following vote:

Ayes 7 Baghdadi, Chung, Del Portillo, Heinicke, Norman, Patton, Sohcot
Noes 0
Absent 2 Lee, F.W., Lee, L.
Abstain 1 Kahn

There was no further public comment on this item.

7. Report from Committee Chairs of upcoming activities in the 2005-2006 program year
Commissioners, as Committee Chairs of the HRCs Advisory Committees, discussed and identified the following items as upcoming activities in the 2005-2006 program year:

Public Contracting
▫ Advocacy and education to small business
- Prompt Payment
▫ Workshops and Outreach
-After new DBE ordinance is adopted
▫ Insurance Rating
▫ Citywide Surety Bond
-Produce a report
▫ Build stronger relationship between Small Business Commission and DBE Committee

Employment
▫ Discrimination based on felony convictions
▫ Updates to Commission on PUC Employment program
- Every quarter

Housing
▫ Discrimination based on felony convictions

LGBTH
▫ Racism in LGBT community
- African American, API, Latino, Native Americans, etc.
- Immigration and asylum issues
▫ Discrimination in transgender community
- Public accommodation, employment, and housing
▫ Implementation of Intersex Report
▫ Homophobia and transphobia in the San Francisco Unified School District
▫ Equal benefits for local businesses
- Bereavement leave, maternity/paternity leave, etc.
▫ Racism in LGBT community
- African American, API, Latino, Native Americans, etc.

Intergroup Tensions

- Data Collection
- Report
- Patriot Act II
- Letter to the Board of Supervisors
- Commissioner Kahn suggested a public hearing/joint hearing on issues -educational, public awareness
- Outcomes of Public Education
- Level of services provided to people of color

Other
- Better outreach for new recruiting new Committee members
- Request for shorter Committee reports at Commission meeting. More future focused than a detailed account of what happened.

There was no public comment on this item.

8. Discussion and possible action on key issues and priorities for the Commission in 2005
After identifying the key issues and priorities at the Committee level, this item was continued for future discussion at the next Commission meeting.

9. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
There was no Commissioner discussion of matters of interest for possible inclusion of future agenda Items.

10. Adjournment
There being no further business, the meeting was adjourned at 6:55 p.m.

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City and County of San Francisco

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City Hall, Room 416

May 17
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 18
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 26
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No Attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

6. Update on Chapter 14A Stakeholder Meetings
   Discussion Item - No Attachment
   Present: V. Harmon

7. Presentation of Chapter 14A Waiver Report for March 2005
   Discussion Item - Attachment provided
   Present: M. Kanios

8. Presentation of additional written testimony for inclusion in HRC Intersex Report
   Discussion Item - Attachment to be provided at meeting

9. Commission discussion and possible adoption of plan for finalizing HRC Intersex Report
   Discussion Item - No Attachment

REGULAR BUSINESS

10. **Report from Employment Committee of upcoming activities in the 2005-2006 program year**
(Continued from 03-24-05 Meeting)
Discussion Item - No Attachment

11. **Discussion and possible action on key issues and priorities for the Commission in 2005**
(Continued from 03-24-05 Meeting)
Action Item - Attachment to provided at meeting

COMMITTEE REPORTS

12. **Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of March 16, 2005 Meeting**
Commissioner Khaldoun Baghdadi, Co-Chair
Commissioner Yoel Kahn, Co-Chair
Committee Staff: Selormey Dzikunu, Bayard Fong
Discussion Item - No Attachment

13. **Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of March 15, 2005 Meeting**
Commissioner Cecilia Chung, Co-Chair
Commissioner Pat Norman, Co-Chair
Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
Discussion Item - No Attachment

RETURN TO REGULAR BUSINESS

14. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
Discussion Item - No Attachment

15. **Adjournment**

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

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City and County of San Francisco
Human Rights Commission

April 14, 2005
Minutes
Regular Meeting
April 14, 2005
APPROVED 05-12-05

1. Call to Order and Roll Call
Chair Heinicke called the meeting to order at 4:40 p.m.

Commissioners Present	Commissioners Excused
Cecilia C. Chung	Khaldoun Baghdadi
Malcolm A. Heinicke, Chair	Carlota Del Portillo
Yoel Kahn	Larry Lee
Faye Woo Lee	
Pat Norman	
Ellouise Patton	
Sandra Sohcot	

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HRC Staff Present
Virginia Harmon, Executive Director; Toni A. Delgado, Commission Secretary; Frank Anderson; Marcus Arana; Larry Brinkin; Linda Chin; Selormey Dzikunu; Cynthia Goldstein; Kabir Hypolite; Zula Jones; Melinda Kanios; and Veronica Ng.

Guests Present
Carl Brown (Senior Ex-Offender Program); Cheryl Chase (Intersex Society); Jayne Fleming (Constitutional Rights Coalition); Rodney Hampton (Young Community Developers); Thea Hillman (Public); Katrina Karkazis (Stanford); Emi Koyama (Intersex Initiative); Denis Mosgofian (Constitutional Rights Coalition); Ken Nim (VVJET); George Smith, III (Ella Hill Hutch Community Center); Shane Snowdon (UCSF); Peter Trinkl (Bodies Like Ours); and Frank Williams (Senior Ex-Offender Program).

A quorum was present.

2. Circulate General Communications File
A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda
Dennis Mosgofian of the Constitutional Rights Coalition wanted to bring to the Commission's attention the Real I.D. Act of 2005 which is at the Senate, which expands the definition of terrorist, allows the Department of Homeland Security to bypass all labor or constitutional laws in order to close barrier between Mexico and the United States, and the issuance of licenses under federal control.

Jayne Fleming an appellate lawyer who works extensively with the Lawyer's Committee for Civil Rights stated that the Real I.D. Act is a threat to refugees applying for asylum here in the U.S. Ms. Fleming requests that the Commission hold a hearing on the inconsistencies between the Real U.D. Act and the international human rights laws, as well as existing federal immigration laws. This hearing, if held, will raise public awareness about the issues and threats this legislation poses on refugees and immigrants. After speaking with members of the Issues Committee, Ms. Fleming understood the limitations and timelines involved in resolutions or letters, and felt that this issue deemed that public awareness be raised through a hearing at the HRC.

Commissioner Sohcot stated that the citizens of San Francisco should be as aware as possible regarding the implication of this law and supported the idea of holding a public hearing.

Chair Heinicke thanked Mr. Mosgofian and Ms. Fleming for their presentation and stated that the Commission will bear this issue in mind when organizing the next few agendas, further, Chair Heinicke hoped to involve the Immigrant Rights Commission on this issue.

Frank Williams, Director of the Senior Ex-Offender Program located in Bayview/Hunter's Point. Mr. Williams stated that formerly incarcerated people face much discrimination in housing, employment, food stamps, and homelessness. Mr. Williams stated that people do reform, and his program will help recently released offenders transition back into society. Mr. Williams asked the HRC to schedule a time to meet to discuss these issues and examine the barriers that are created.

Carl Brown, a member of the Ex-Offenders Program stated that the program has helped turn his life around, and he feels confident that he will be successful in his transition.

Commissioner Lee stated that the Employment Committee has been working on this issue and may have a recommendation for the full Commission shortly.

Chair Heinicke noted that All of Us or None attended the last Commission meeting and shared concerns about this same issue, and he knows that the Committees are working diligently on assisting the community on this matter.

George Smith, with Ella Hill Hutch, thanked Director Harmon for meeting with him on this issue, but stated he was still concerned. Mr. Smith stated there is confusion about the true role of the Human Rights Commission in relation to employment or enforcement. Mr. Smith stated Ella Hill Hutch is having difficulty in having sub-contractors accept their workers because contractors are already getting workers from the Human Rights Commission. Mr. Smith asked the HRC for its records on enforcement for contractors and sub-contractors, as well asked why the HRC is involved in job development.

Director Harmon stated that she met with Mr. Smith, provided him with information on a few contracts he had questions on, and promised to provide additional information on other contracts. Ms. Harmon noted that the HRC is not a job placement agency, but the HRC facilitates job development because it is the HRCs review of contract compliance forms that allows placements to occur. Director Harmon suggested better communication between HRC Staff and CBOs to resolve issues regarding jurisdiction.

Ken Nim, Visitation Valley Jobs Education and Training, stated that the community is very concerned about employment and equal opportunity in the construction

industry. The issue of compliance monitoring is very important and hopes to work with the HRC to make this process faster and better to ensure that people get work.

Rodney Hampton with Young Community Developers asked for a task force to strategize on how the HRC can improve their compliance enforcement and help CBOs meet the needs of the contractors. Additionally, Mr. Hampton asked the HRC to look into the unemployment rate in Bayview/Hunter's Point to identify how people can better access resources.

There was no further public comment.

4. Report of the Chair
There was no report of the Chair.

5. Individual Commissioner Reports on Community Activities
Commissioner Kahn provided brochures on Day of Community Listening and Dialogue at the Jewish Community Center on May 15 to Commissioners and staff.

There was no public comment on this item.

6. Update on Chapter 14A Stakeholder Meetings
Director Harmon attended a Stakeholder meeting on April 7th where the HRC received a draft of the new public contracting program. The draft program is a two-tier local business enterprise program for small and micro businesses. The prime contracting program offers a 10% discount and a set-aside program for the micro business enterprises. The sub-contracting program would be mandatory. Under this program, the HRC would identify the availability of MBEs, WBEs, and OBEs on city contracts and would be responsible for investigating discrimination. Director Harmon stated that the community might find problems with this legislation in the following areas: The first would be the creation of a program for the PUC CIP which would create a larger geographical region for contractors to be eligible under the program. Additionally, the program would delegate the authority to implement this program to the SFPUC General Manager. Lastly, the program would permit the Director of the HRC to delegate implementation of this ordinance to the contract awarding authorities. Other issues include the review of sole source waivers and the oversight of professional services contracting. Supervisor Ma's office is considering the community's preferences for this ordinance, outlined in a letter to Supervisor Ma. Another draft ordinance is being prepared and will be discussed at the next stakeholder meeting slated for April 25.

There was no public comment on this item.

7. Presentation of Chapter 14A Waiver Report for March 2005
Melinda Kanios (HRC Staff) presented the Commissioners with the Chapter 14A Waiver Report for March.

There was no public comment on this item.

8. Presentation of additional written testimony for inclusion in HRC Intersex Report
Director Harmon presented the letter that the HRC received from Dr. Baskin in regard to additional testimony for inclusion in the Intersex report.

Chair Heinicke noted that as a result of Dr. Baskin's letter to the Mayor, the HRC has re-opened the report and re-adopt it once additional testimony was provided. Chair Heinicke asked that the approval of the report be placed on the next meetings agenda as an action item.

Shane Snowdon, UCSF, stated that UCSF wanted to create a clear line between the institutional response from UCSF and Dr. Baskin. Dr. Baskin's letter is his opinion solely and does not reflect any group or any process at UCSF. Dr. Diana Farmer of UCSF will be to only individual comment on the content of the Intersex report.

Thea Hillman, thanked the Commission and staff for the work they have done on the report. Ms. Hillman shared her frustration that the report has not been released and she took personal insult to Dr. Baskin's letters. Regardless, it is important to include this letter to illustrate how the medical community treats intersex people.

Emi Koyama, Director of Intersex Initiative in Portland. Ms. Koyama stated that this report has a nationwide impact and many are waiting for this report. She stated that the medical community has not corrected itself on the issue of treatment of intersex. Ms. Koyama stated that this report does not dictate medicine, but begins dialogue on the issue of intersex.

Katrina Karkazis, Center for Medical Ethics at Stanford, stated that she was unhappy that the report was re-opened solely for Dr. Baskin and the acceptance of UCSF, and these issues should not be a factor in the validity of the testimony provided at the public hearings.

Peter Trinkl, Bodies Like Ours, stated that Dr. Baskin did not provide testimony from those who were happy with normalizing surgery and asked the HRC to adopt and release the report as soon as possible.

Cheryl Chase, asked the HRC to adopt the report as quickly as possible. She felt that the report would not increase the polarization between the intersex and medical communities. Ms. Chase stated that she received a letter from a nurse who works with Dr. Baskin who was in support on the Intersex report, unaligned with Dr. Baskin.

Chair Henicke thanked those who made public comment and stated that the report will be on the next commission agenda for approval.

There was no further public comment on this item.

9. Commission discussion and possible adoption of plan for finalizing HRC Intersex Report
Commissioner Kahn recommended that an appendix be created for the report which includes the requests for additional responses outlining the lengths that the HRC went to accommodate Dr. Baskin due to our respect for the medical community, the response from Dr. Baskin, and any other formal correspondence, including the testimony provided at Commission meetings.

Commissioner Chung requested that Dr. Baskin's letter be included in the report.

Commissioner Sohcot asked that today's minutes be included in the report as well.

Commissioner Kahn asked that the report include a list of the dates of Commission meetings where the intersex report was discussed.

There was no public comment on this item.

10. Report from Employment Committee of upcoming activities in the 2005-2006 program year
Kabir Hypolite stated that the Employment Committee's upcoming activities in the

2005-2006 program year are as follows: a resolution from Legal Services for Prisoners With Children; proposals to improve data collection and reporting regarding employment; revisiting the economic aspects of the HRC's Unfinished Agenda report in 1993; and providing assistance to displaced garment workers once the NAFTA production quotas expire.

There was no public comment on this item.

11. Discussion and possible action on key issues and priorities for the Commission in 2005
Commission Secretary Delgado presented the Commissioners with a worksheet for their completion to help identify Commission priorities. She asked Commissioner to complete and return the worksheets.

There was no public comment on this item.

12. Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of March 16, 2005 Meeting
Selormey Dzikunu stated that the Committee discussed the issue of prompt payment and asked if the HRC could assess any penalties on contractors who routinely engage in late payments. The Committee also discussed the new 14B ordinance.

There was no public comment on this item.

13. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of March 15, 2005 Meeting
Larry Brinkin stated that the Committee held a panel on homophobia and transphobia in the San Francisco Unified School District; the possibility of change the Committee's name to the Lesbian Gay Bisexual Transgender Intersex Advisory Committee, but the Intersex community recommended that the HRC not do this; and the agenda for the Committee retreat.

There was no public comment on this item.

14. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
There was no Commissioner discussion of matters of interest for possible inclusion of future agenda items.

15. Adjournment
There being no further business, the meeting was adjourned at 6:40 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Regular Meeting Agenda

Thursday, April 28, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Cecilia Chung
Carlota del Portillo
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR April / May

April 07
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 13
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 14
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

April 19
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 20
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 28
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

May 05
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 11
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 12
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

May 17
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 18
DBE Advisory Committee Meeting
5:30pm
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May 26
SPECIAL HEARING
HRC & Immigrant Rights Commission Joint Meeting
4:30pm
City Hall, Room 416

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REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No Attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

6. Update on Chapter 14A Stakeholder Meetings
   Discussion Item - No Attachment
   Present: V. Harmon

7. Presentation and possible approval of holding joint hearing with the Immigrant Rights Commission on the Real ID Act on May 26, 2005
   Action Item - Attachment provided

8. Presentation and possible approval of letter to the Immigrant Rights Commission confirming holding joint hearing on the Real ID Act on May 26, 2005
   Action Item - Attachment provided

9. Presentation and possible adoption of Intersex Report and Recommendations
   Action Item - Attachment Provided

HRC DIVISION REPORT

10. **Non-Discrimination in Employment, Housing and Public Accommodation (NEHPA) Division**
April: National Fair Housing Month: Presentation of HRC Work in Housing
Discussion Item - No Attachment
Present: E. Ilumin

COMMITTEE REPORTS

11. **Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Presentation of April 16 Committee Retreat Work Plan**
Commissioner Cecilia Chung, Co-Chair
Commissioner Pat Norman, Co-Chair
Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
Discussion Item - No Attachment

12. **Issues Committee: Report of April 13, 2005 Meeting**
Commissioner Carlota del Portillo, Co-Chair
Commissioner Ellouise Patton, Co-Chair
Commissioner Sandra E. Sohcot, Co-Chair
Committee Staff: Emil DeGuzman, Carmen Hererra
Discussion Item - No Attachment

RETURN TO REGULAR BUSINESS

13. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
Discussion Item - No Attachment

14. **Adjournment**

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HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, May 12, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

/05

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ROSTER OF COMMISSIONERS

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Khaldoun A. Baghdadi
Cecilia Chung
Carlota del Portillo
Mark Dunlop
Yoel H. Kahn
Faye Woo Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR May / June

May 05
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
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5:30pm
25 Van Ness Avenue, #800
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May 18
DBE Advisory Committee Meeting
5:30pm
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May 26
SPECIAL HEARING
HRC & Immigrant Rights Commission Joint Meeting
4:30pm
City Hall, Room 416

June 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

June08
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 09
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

June 14
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 15
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5:30pm
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Main Conference Room

June 23
HRC Regular Commission Meeting
4:30pm
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APPROVAL OF MINUTES

4. Approval of minutes of Commission Meeting of February 24, 2005
   Action Item - Attachment to be provided at meeting
   Present: T. Delgado

5. Approval of minutes of Commission Meeting of March 10, 2005
   Action Item - Attachment to be provided at meeting
   Present: T. Delgado

6. Approval of minutes of Commission Meeting of March 24, 2005
   Action Item - Attachment to be provided at meeting
   Present: T. Delgado

7. Approval of minutes of Commission Meeting of April 14, 2005
   Action Item - Attachment to be provided at meeting
   Present: T. Delgado

REPORT OF THE CHAIR

8. Report of the Chair
   Discussion Item - No Attachment

9. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

10. Approval of resolution commending former Commissioner Larry Lee
    Action Item - Attachment to be provided at meeting

REPORT OF THE DIRECTOR

11. **Presentation of resolution honoring the late Stan Warren**
Approved on 02-10-05
Discussion Item - Attachment provided
Present: M. G. Starkweather

12. **Presentation of Chapter 14A Waiver Report for April 2005**
Discussion Item - Attachment provided
Present: M. Kanios

REGULAR BUSINESS

13. **Approval of resolution to support first annual National API HIV Awareness Day: May 19, 2005**
Action Item - Attachment to be provided at meeting

14. **Discussion and possible approval to hold joint hearing with the Small Business Commission on Chapter 14B**
Action Item - Attachment provided

15. **Presentation and discussion on holding an HRC regular meeting in the community**
Discussion Item - Attachment to be provided at meeting
L. Brinkin

RETURN TO REGULAR BUSINESS

16. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
Discussion Item - No Attachment

17. **Adjournment**

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Disability access

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Know Your Rights Under the Sunshine Ordinance

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Lobbyist Registration and Reporting Requirements

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HUMAN RIGHTS COMMISSION & IMMIGRANT RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Special Joint Hearing Agenda

Thursday, May 26, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Human Rights Commission

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Cecilia Chung
Carlota del Portillo
Mark Dunlop
Yoel H. Kahn
Faye Woo Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

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Immigrant Rights Commission

Diana Lau, *Chair*

Gilberto Alexander
Deborah Escobedo
Vera Haile
Solomon Abraham Jones
Ivy Lee
Svetlana Kaff
Sonia Melara
Phu Nguyen
Richard Ow
Zina Spektor
Marlene Tran
Sam (Kok-Po) Ng

Virginia M. Harmon, *Director*
Toni A. Delgado, *Commission Secretary*

Dang Pham, *Executive Director*
Winny Loi, *Commission Secretary*

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.sfhrc.org

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. **Joint Public Hearing on the Real I.D. Act of 2005:** The Human Rights Commission and the Immigrant Rights Commission will take testimony on the Real I.D. Act of 2005 (HR 418) to raise public awareness of this legislation and what impact it will have on San Francisco.

   Public testimony on this issue is encouraged. If you wish to speak at this event, or have any questions, please contact Janel Wong at the Human Rights Commission for more information 415-252-2500 or hrc.info@sfgov.org

3. **Adjournment**

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

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City and County of San Francisco
Human Rights Commission

May 26, 2005 Special Joint Hearing

SPECIAL JOINT HEARING WITH THE IMMIGRANT RIGHTS COMMISSION

1. Call to Order and Roll Call
Chair Heinicke called the meeting to order at 4:34 p.m.

Commissioners Present	Commissioners Excused
Cecilia Chung	Khaldoun Baghdadi
Carlota Del Portillo	Mark Dunlop
Malcolm Heinicke	Pat Norman
Yoel Kahn	
Faye Woo Lee	
Ellouise Patton	
Sandra Sohcot	

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HRC Staff Present
Virginia Harmon, Executive Director, Toni Delgado, Commission Secretary, Frank Anderson, Larry Brinkin, Ed Ilumin, Zula Jones, Melinda Kanios, Sophia Simpliciano, Mindy Lee, and Andrea Fazel, HRC Intern

Guests Present
Jayne Fleming (law firm of Reed Smith), Scott Mossman (Immigration Attorney), Banafsheh Akhlaghi, Esq. (NLSCA), Tom Koppel (Sailor's Union of the Pacific), Frank Riley (Longshore Union ILWU), Tim Paulson (SF Labor Council), Elsie De Laere (Amnesty International), Azalia M. Merrell (LCLAA), Julio Loyola (Day Labor Program), Susanna Bogue (IAUC), Brian McWilliams (ILWU), Frank Martin Del Campo (SF Labor Council, AFL-CIO), Sandra Butler (Constitutional Rights Coalition), and Jerry Okendo (LULAC, League of United Latin American Citizens)

A quorum was present.

2. Joint Public Hearing on the Real I.D. Act of 2005:

Chair Heinicke welcomed fellow Commissioners and Chair Diana Lau and Immigrant Rights Commissioners for the Special Joint Meeting.

Toni Delgado gave an overview of the Real I.D. Act of 2005 that was passed by the Senate on May 10, 2005. She thanked the Immigrant Rights Commission for co-sponsoring the Joint Hearing and welcomed IRC Commission Chair Diana Lau, Commissioner Gilberto Alexander, Commissioner Richard Ow, and Commissioner Sam Ng. She thanked Emil DeGuzman, Carmen Smith, Melinda Kanios and IRC Commission Secretary, Winnie Loy, for their hard work in putting the Hearing together.

Ms. Delgado noted that the packet included an outline on how the hearing was formed, the Resolution from the Board of Supervisor regarding the U.S.A. Patriot Act, and a summary of the Real I.D Act. Every effort was made to create a balanced

hearing via outreach to different organizations both in support and against this legislation. Invitations were extended to the ACLU, Bay Area Immigrant Rights Coalition, Congresswoman Nancy Pelosi, Department of Homeland Security, Federal Bureau of Investigation, Federation for American Immigration Reform, Lawyer's Committee for Civil Rights, San Francisco Board of Supervisors, District Attorney's Office, San Francisco Police Department, Senators Barbara Boxer and Diane Feinstein, U.S. Attorney's Office, and U.S Department of Justice. Federal agencies contacted declined to participate.

Chair Heinicke welcomed the invited speakers and the public. The Real I. D. Act is a charged issue that has raised emotional feelings for many people. This Hearing will provide the Commissioners and members of the public a better understanding of some of the issues and concerns raised by the Real I.D. Act and how to proceed from there. Invited speakers began the presentation.

The House of Representatives passed the Real I.D. Act without any meaningful debate because it was tied to the War Appropriations Bill. Mr. Silverman explained that what has already happened with the Real I.D. Act is already connected to something worse on the horizon—a provision of what was the Clear Act. This provision will force police nationwide to enforce immigration laws or risk losing law enforcement funding from the federal government. It will place an affirmative obligation to pursue possible immigration violations when contact is made with people. (He does not have a problem with existing obligations such as felony obligations.)

This immigration issue becomes a public safety issue when it destroys the ability of police to fight crime effectively in the immigrant communities where they will lose the confidence and trust of possible crime witnesses. Support is needed from police chiefs and groups dealing with domestic violence. Mr. Silverman believes we are facing an era of potential terror in the immigrant communities and that these anti-immigrant measures based on myths, illusions, and lies about how they are fighting terrorism that we need to oppose are being strategically pushed through without debate.

Commissioner _____ pointed out that there is a City Ordinance, perhaps the Sanctuary Ordinance from the 1980's, which prohibits police officers and most officials from affirmatively reporting people to the INS. If people are in jail, the police and sheriff have to respond to the INS with information. All of that will be completely eliminated if this law passes unless San Francisco wants to lose millions of dollars in funding.

Maxwell Peltz (Assistant District Attorney) explained the three titles of the Real I.D. Act that concern 1) border structure, 2) asylum, and 3) identification. Addressing the third title, he stated that a short-term effect will be the reduction of people in California and San Francisco with DMV issued licenses and identification. That may change if state legislatures decide to issue or authorize issuance of identifications that would be accepted for the purposes of driving or identification but would not comply with Real I.D. and not be recognized by Federal Agencies.

The reduction of identification will impact law enforcement. Identification is central to not only identifying, locating, and tracking down suspects but also identifying and contacting witnesses and victims both for the police and prosecutors during the investigation prosecution of cases. Other concerns include the increase of unlawful, uninsured drivers and accidents and identity fraud.

Mr. Peltz pointed out that several ordinances in San Francisco require applicants to present valid picture identification to apply for and receive General Assistance and certain types of social services. Some people will have less access to social services under the new law.

Mr. Peltz responded to Commissioner _____ that it is not too late to influence the rule making. There will presumably be a rule making by the Department of Homeland Security and under Federal rule making, public input is accepted.

Commissioner Lee asked what the penalty would be against a state that does not comply. He answered that state's citizens would be penalized because their driver's licenses/IDs would not be valid to board airplanes, enter federal buildings or nuclear sites, etc. It is such a prohibitive penalty that it is highly unlikely that a state would not comply.

Jayne Fleming (appellate lawyer with Reed Smith) works extensively with and represents asylum applicants on a pro bono basis. She highlighted the concern about privacy of personal addresses for victims of domestic violence or for women fleeing "honored killings" or forced marriages. The security of their personal home address is a life or death matter. This piece of the legislation requires an individual to turn over their personal home address and proof of residency in order to obtain a federal ID card at which point their personal information is no longer secure. She is hopeful that there will be a lot of advocacy to make sure that state and local jurisdictions implement some safeguard to protect victims during the regulatory period.

Ms. Fleming stated that with respect to the asylum provision, an applicant has to prove that he or she was persecuted on account of one of the in numerated grounds of the Immigration and Nationality Act. The victim has to prove that their story is believable. The reality is that victims of trauma often have difficulty relaying their experiences in flawless, perfect detail. Furthermore, individuals must prove a nexus or link between their persecutional harm on one of the grounds in the Immigration and Nationality Act. It is and will be extremely important that individuals are well represented and have access to legal service. If they don't, they will not prevail and will be sent back to countries where they will be tortured.

Individuals can get help from the Lawyer's Committee For Civil Rights and get legal representations.

Commissioner Kahn questioned if the Act changes the threshold of gaining entry into the country. Ms. Fleming answered that it has made it difficult because someone captured at the border can be detained and interviewed at that point. Unsatisfactory requirements or stories with "gaps" made during the interview can be used against an individual and may deny them asylum in the future.

Ms. Fleming pointed out that there was extensive communication with Senator Feinstein's office and Senator Boxer's office and she tracked commentaries and press releases from Senator Leiberman's office, Senator Murray's office, and Representative Sensenbrenner's office. It was clear that it passed legislation because it was attached to a War Bill which, had it not passed, would deprive troops of desperately needed funds. Senators went on record to say that they hated that part of the Bill, which they would have rather debated on. Ms. Fleming noted that Wisconsin Representative James Sensenbrenner, the primary author of the legislation, rationalized that the United States must be protected against terrorism.

The provisions that relate to asylum, terrorism, and to the border patrol fence are all immediately effective and that there is going to be lots of litigation about the retroactivity of those provisions. The provisions related to the driver's licenses have to be implemented by 2008.

Chair Heinicke acknowledged Ms. Fleming being honored as California Attorney of the Year. (Written testimony was submitted by Ms. Fleming.)

Scott Mossman (immigration attorney practicing in Oakland) focused his testimony on the expanded definition of terrorism, elimination of habeas corpus, and the Secretary of Homeland Security being allowed to waive any law in order to build border barriers and fences.

In summary, Mr. Mossman noted that the terrorism provision transforms pure expression of opinion and association, and since it is retroactive, places non-citizens who are lawful residents in San Francisco in jeopardy of deportation for past actions that were legal at the time. With the habeas, some non-citizens may fall through the cracks and aggravate the backlog of cases at the U.S. Court of Appeals in San Francisco. The provision of the border and fences may lead to similar laws waiving applicable legal requirements for federal projects in San Francisco.

Mr. Mossman stated hearsay evidence is invincible in deportation proceedings and a judge can consider it/weigh the evidence. If so, the immigrant must gather evidence to prove the negative that it does not apply to them.

Commissioner _____ questioned the budgetary consideration for the Real I.D Act. He answered that he is not familiar with the budgetary consideration. He does know it was passed as part of an appropriation bill.

(Written testimony was submitted by Mr. Mossman.)

Supervisor Jake McGoldrick, author of the Resolution opposing the USA Patriot Act, spoke about how this provision may violate the Constitution and the rights and civil liberties of San Francisco residents. The Board of Supervisors adopted the Resolution on January 21, 2003 and an amended Resolution of the USA Patriot Act was adopted on February 24, 2004.

Supervisor McGoldrick stated that on March 2, 2004 election under Section 16.124, the San Francisco voters adopted and authorized the Board of Supervisors, by resolution, to designate as the "watch law" any state or federal law or regulation that calls for, authorizes, or requires the production by any City officer, employee, agency, department, or office of information, records, or other tangible things held by the City, the disclosure of which could violate the rights of any individual under the State or Federal Constitutions.

Supervisor McGoldrick also pointed out that a Resolution was sent to Senator Barbara Boxer, Senator Dianne Feinstein, and Representative Nancy Pelosi urging them to oppose any attempts to expand the Patriot Act, to prevent the reauthorization of any Patriot Act provisions, and to allow Patriot Act provisions to expire.

Julian Sharp sp? (Patriot Act intern with the American Civil Liberties Union) stated that the USA Patriot Act was enacted 45 days after the 9/11 attacks with no debate and discussion. This Act will expire on December of 2005, but members of the Congress are considering expanding and making the legislation permanent. The legislation should be brought back in line with the Constitution by letting the Act sunset. He stated that all people should advocate for safety and freedom and that the Patriot Act should not be expanded and not be made permanent.

Margaret Zaknoen (Bay Area Immigrant Rights Coalition) addressed the Real I.D. Act's impact on San Francisco immigrant communities. The Real I.D. Act has spread a sense of fear and has had a chilling effect within the immigrant communities. The Coalition she represents is made up of about 50 organizations that serve immigrant communities across the Bay Area that advocate for immigrant rights and empower immigrants to be active and engaged citizens. She feels Representative

Sensenbrenner's bill was not intended for national security but for advancing an anti-immigrant agenda.

She is glad the discussion began with the Clear Act amendment because the reason that the Real I.D. Act was attached to the supplemental spending bill for the war in Iraq and the way it passed through Congress indicates how the anti-immigrant legislation will continue to be partial and be attached to other things and therefore not be debated on nor passed in Congress.

States such as Alabama and Tennessee that already restrict driver's licenses based on immigration status report a host of problems. Documented immigrants are targeted and become vulnerable to discrimination and racial profiling.

Banafsheh Akhlaghi is an attorney and President for the National Legal Sanctuary for Community Advancement (NLSCA), a pro bono office that she started after 9/11, which represents Muslims, Middle Easterners, and South Asians living locally and across the country. She represents primarily men, ages 9 through 84 years old who find themselves to first be characterized as terrorists and then as innocents.

Working with the Department of Homeland Security has been a challenge since 9/11. The laws are passed, placed into effect with little to no training, the mandates are constantly changed, and the procedures are changed as the flaws are seen. Many of her clients who come to the states seeking refuge face death in their countries. This is a very serious problem that goes beyond San Francisco and these laws have a ripple effect globally. The thinking is that if the United States deported someone, they must be at fault.

Ms. Akhlaghi noted that we need to enforce some form of credibility for what the Commission and what San Francisco stands for. She urged everyone to stand against the Real I.D. Act and have San Francisco be the first city to do so. She stated that we could call for the Department of Homeland Security to be accountable for its measures and its mandates and ask to let organizations such as the NLSCA and other organizations that are assisting for immigrant rights be part of the debates and discussions on how to enforce this law.

It is Ms. Akhlaghi's hope that this hearing be the first of more to discuss solutions for the City and Country as a whole.

Denis Mosgofian (San Francisco Labor Council and Chair of the Constitutional Rights Coalition) pointed out that seven states have passed ordinances, resolutions, and laws against the Patriot Act including the conservative state of Wyoming (and Colorado.

There is an article about how the word terrorism is used in a way that is applied to people who resist ordinary oppression and tyranny in their own countries and under circumstances that we believe are perfectly appropriate ways to resist and which the founders of the USA actually engaged in.

Mr. Mosgofian spoke about the expansion of executive authority, the threat in the driver's license case, and the dictatorial powers granted to the Secretary of the Homeland Security and what those impacts would be both in the larger context and here in San Francisco. He pointed out that the premise of our constitutional mandated due process is innocence until proven guilty for everyone in America.

Mr. Mosgofian was invited to the next IRC Commission Meeting on June 13, 2005 at 5:00 p.m. to brief the Commissioners on the seven states that are against the Patriot Act.

Ramos Rafini (sp?) (San Francisco Chapter of the American Arab Anti Discrimination Committee) believes that Real I.D. Act has a disproportionate impact on people from the Arab world (primarily immigrants.) Since 9/11, the Arab community has lived in a climate of fear in this country that can largely be attributed to Federal legislation (such as the Patriot Act) and actions by the Federal government (such as special registration requiring Arab men between the ages of 15 through 60 to go the INS to fall into collection traps and be deported.) These acts have chilled free speech and are viewed as an attempt to dissuade Arabs from attempting to seek asylum in this country.

The irony of all ironies is that this legislation memorializes the very type of governmental conduct that many Arabs have come to the United States to escape. Things like arbitrary decisions by a judge that are not subject to judiciary review, the lack of judiciary review, and the persecution based on political belief. It is ironic that a country that prides itself on bringing in people seeking persecution has now institutionalized persecution.

He feels the term terrorist has become so corrupted as to be almost worthless in terms of discourse. He commented that the problem is not that "my freedom fighter is your terrorist, but the Real I.D. Act says my terrorist is whoever the DHS says it is or whoever Congress feels to target at a particular moment and label as a terrorist organization." The ramifications are real to the immigrants because these immigrants cannot participate in a discourse under the Real I.D. Act to persuade Americans that what Congress has done is wrong because under this act, they can be perceived as having espoused terrorism.

Dusty Araujo (Asylum Coordinator with the International Gay and Lesbian Human Rights Commission) spoke about the asylum issue that impacts the population that he serves.

The Real I.D. Act includes provisions that make it more difficult for asylum and hold up renewal applicants to prove that their race, religion, national origin, political opinion, or membership in a particular social group was a central motivation for their persecution. The present law only requires that applicants show that their persecution was at least in part based upon these grounds including membership in a particular group through which lesbian, gay, bisexual, transgender, and HIV positive asylum seekers seek protection.

Sexual orientation asylum seekers who have been persecuted by their country are often targeted with violations of such laws as indecency or debauchery that serve as smokescreens for the targeting of gay, lesbians, and transgender individuals.

Ms. Fleming clarified that someone who is applying for protection because they are gay or transgender who will be persecuted fall into a particular social group, which is readily identifiable. All they would have to prove is that they would suffer harm because they are a member of that group. Social group is a protected class but now they have the burden of proving the central issue was because they are gay or transgender and not a mixed-motive analysis.

Julio Loyola (Member, Day Laborer Program/Azalia M. Merrell served as his Spanish interpreter) spoke as a person who lives the consequences of the Real I.D. Act. He spoke of how he and other immigrant day laborers seeking honest work are mistreated and how their dreams and lives are broken by laws such as this that make them vulnerable and impede their natural development.

3. Public Comment on Items Not on the Agenda

Tom Koppel (Sailor's Union of the Pacific) informed the Commission that to apply for or renew a Merchant Mariners document, one becomes subject to what seems like unconstitutional questions having to do with habits and character, seaman's papers can be taken away without reason, and he feels that terrorism is now an excuse to go after (its) own citizens.

Frank Riley (Longshore Union ILWU, Local 34) stated that it is their job to receive and deliver the cargos coming across the docks, which now fall under the security of DHS. There are perimeter intrusion systems in place requiring identification card or driver's license swipes to gain information. A process is still being put into place where the information obtained is monitored because there are still third parties involved in that monitoring. They have many immigrant workers and hope that the City craft some language to create a voice in how their information is processed and monitored.

Elsie De Laere (Legislative Coordinator, Amnesty International U.S.A. in California) mentioned that there are more than 300, 000 members in the U.S. with a substantial amount of those members living here in the Bay Area. She addressed and submitted a brief on the Safe Act. They are concerned for persons being forced to plead their innocence for deeds they were unaware of. They are also concerned about immigrants and refugees ineligible for asylum based on the actions of their spouses or parents. It is critically important for everyone to understand the other nations are being influenced.

(A brief by Amnesty International was submitted by Ms. De Laere.)

Frank Martinez Del Campo for Tim Paulson (San Francisco Labor Council, AFL CIO) feels the term immigrant is being replaced with terrorist and that we are stopping people seeking asylum from governments that we finance. He further commented on immigration reforms and stated that the Labor stands proudly and defends immigrant workers from all countries because we know that our own freedom as free workers with the right to join unions and the right to associate with other workers is inextricably bound with those workers.

Azalia M. Merrell (Member, United Brotherhood of Carpenters, Local 22 and Member, Labor Council for Latin American Advancement) is familiar with the hardships of being an immigrant and not feeling welcome here. The Real I.D. Act will further exploit workers and overburden the City's systems—immigrants will not just disappear. This legislation pushes labor law back a hundred years.

Brian McWilliams (ILWU and the San Francisco Labor Council) is a port worker here in the City and did serve on the Port Commission. The DHS mandated port security programs impact Maritime operations in a negative way. Personally speaking, the cost and staff in running the programs falls directly on the Port, which has no means of meeting the expenses without laying off workers, cutting maintenance programs, etc. Some ports now face the potential loss of maritime traffic to larger ports better able to handle and absorb the costs. Employment opportunities must be protected.

Sandra Butler (Constitutional Rights Coalition) pointed out that many of the people now called illegal workers were legal workers right here in California and across the border for many, many years until an earlier bout of xenophobia in the 20th Century when they were declared illegal. They still worked but they had no rights, less money, and no protection. Every time a law is enacted to protect us from extremes, it immediately becomes misused in the most trivial, vis-a- vis the Three Strikes Act. The United States must be returned to its people and not to a privileged few.

Jerry Okendo (League of United Latin American Citizens) commended Julio Loyola for speaking earlier. Mr. Okendo stated that there are Latino families across the state

who are not registering their children to go to school for fear of deportation. There are youth who have turned 18 and are still waiting for their residency and cannot get their driver's license or a social security number to go onto college even with high GPAs. There are women who continue to live with domestic violence who will not report it for fear of deportation.

DMV was asked to enforce immigration laws. Now the police are being asked to enforce immigration laws. Will our schools then be asked to enforce these laws? He commends the Commission for having the hearing because this is the only way the issue is heard.

Commissioner Heinicke thanked the speakers and public. He is hopeful that the Commission will further explore the issue and continue the discussion.

IRC Commissioner Lau applauded the speakers and public that came forward to speak on the issue. She is glad the Commissions were able to join together and be educated on the issue together.

There being no further business, the meeting was adjourned at 7:41 p.m.

4. Adjournment

City and County of San Francisco
Human Rights Commission

June 9, 2005 (Special Joint Hearing)

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Joint Public Hearing on Chapter 14A: The Human Rights Commission and the Small Business Commission will take testimony on Certification and Utilization of DBEs under Chapter 14A, the Interim Disadvantaged Business Enterprise Ordinance and Chapter 14B, proposed legislation to enact a permanent public contracting program.

3. Public testimony on this issue is encouraged. If you wish to speak at this event, or have any questions, please contact Janel Wong at the Human Rights Commission for more information 415-252-2500 or hrc.info@sfgov.org

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4. Adjournment

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Disability access
The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or

large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2-500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance
Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

HUMAN RIGHTS COMMISSION &

SMALL BUSINESS COMMISSION

City and County of San Francisco
Gavin Newsom, Mayor

DOCUMENTS DEPT.

FEB - 7 2006

SAN FRANCISCO
PUBLIC LIBRARY

Special Joint Hearing on Status of Public Contracting

Thursday, June 9, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS:

Human Rights Commission

Malcolm Heinicke, Chair
Khaldoun A. Baghdadi
Cecilia Chung
Carlota del Portillo
Mark Dunlop
Yoel H. Kahn
Faye Woo Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, Director

Small Business Commission:

David Sahagun, President
Norman Ishimoto, Vice President
Florence Alberts
Michael E. O'Connor
Dr. Raye Richardson
Jordanna Thigpen
Richard Ventura

Agnes Briones, Director

JOINT MEETING OF SAN FRANCISCO'S HUMAN RIGHTS COMMISSION AND SMALL BUSINESS COMMISSION
JUNE 9, 2005

On Thursday, June 9, 2005, the San Francisco Human Rights Commission ("HRC") and the Small Business Commission held a joint meeting to review the current status of San Francisco's public contracting program. The specific purpose of the hearing was twofold: 1) to review certification and utilization of small, local business enterprises under San Francisco Administrative Code Chapter 14A, the Emergency Interim Disadvantaged Business Enterprise program and 2) to allow the public to comment on the draft local business enterprise program, which was recently introduced at the San Francisco Board of Supervisors as proposed Administrative Code Chapter 14B.

Many interested individuals attended this meeting. Forty-four individuals provided testimony to the commissioners, and 18 individuals presented written testimony. The following is a summary of the major issues raised during the meeting.

1. Enforcement of the Ordinance

Many speakers emphasized their belief that HRC should remain the City agency responsible for enforcing the new local business ordinance. Among those testifying to this effect were City Purchaser Naomi Little, and Oren Sellstrom, Lawyers' Committee for Civil Rights and legal counsel to the Coalition for Economic Equity. Speakers pointed out that a neutral agency such as HRC is in a better position to enforce the provisions of the Ordinance, as opposed to allowing contracting departments to perform their own enforcement and compliance work.

Speakers emphasized that departments are "overwhelmed with their day-to-day missions, and some of the goals may fall by the wayside." They further expressed concern that the post-audit process does not really accurately assess whether or not the departments comply with the program goals, and that situations involving actual malice may never be discovered. They also added that departments lack the expertise to effectively implement the ordinance.

2. Citywide Surety Bond Program

Several speakers praised the current Citywide Surety Bond Program, and wish to see it continued in the proposed Ordinance. They stated that the bonding assistance program is essential to remove barriers for small businesses to receive contracts. Speakers also testified that the bonding program has saved the city a significant amount of money by preserving low bids (approximately $2.8 million.) and noted that there have been no defaults under the existing program.

Some suggestions from speakers included increasing the funding pool, and extending the program to professional and general services firms.

3. Prompt Payment

Many speakers pointed out that prompt payment is an issue that must be addressed by the new Ordinance. Small businesses simply cannot afford to wait for weeks and months for a payment to arrive.

Among the suggestions made were that the Ordinance should require City departments to pay interest on late payments as an incentive to departments to process invoices promptly. A further suggestion was that a unit be created within HRC to address prompt payment issues where a subcontractor could come directly to a City representative. Speakers also suggested that if a prime contractor submits an incomplete or inaccurate payment affidavit that there should be specific sanctions to the prime.

4. **Definition of "Local" Business**

Several speakers addressed the criteria for what constitutes a "local" business. Some supported the concept of requiring that to be certified a business must demonstrate that its San Francisco office is its principal place of business. There were other suggestions regarding industry specific requirements. Speakers emphasized that a true local business is one which employs San Francisco residents.

5. **Joint Ventures**

There were speakers who noted the fact that the draft Ordinance does not include joint venture bid preferences. Several representatives from architectural and engineering services firms suggested that the Ordinance should include joint venture bid preferences for architectural and engineering services contracts. Several Architects and Engineers Organizations stated that without a joint-venture participation program they would not be able to bid on large City projects.

6. **Neighborhood Point System**

There were speakers who suggested that the new Ordinance should provide some type of benefit to local businesses that are located in underutilized neighborhoods, or who hire employees from such areas. They pointed to the federal government's Hub Zone program as an example.

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1. Certification Unit Presentation Charts
2. Utilization Charts
3. Hearing Transcript – June 9, 2005
4. Written Testimony (available upon request)

1. Certification Unit Presentation Charts

Ten Month Comparison --- Prior to injunction of 12D Ordinance
October 2003 to July 2004.

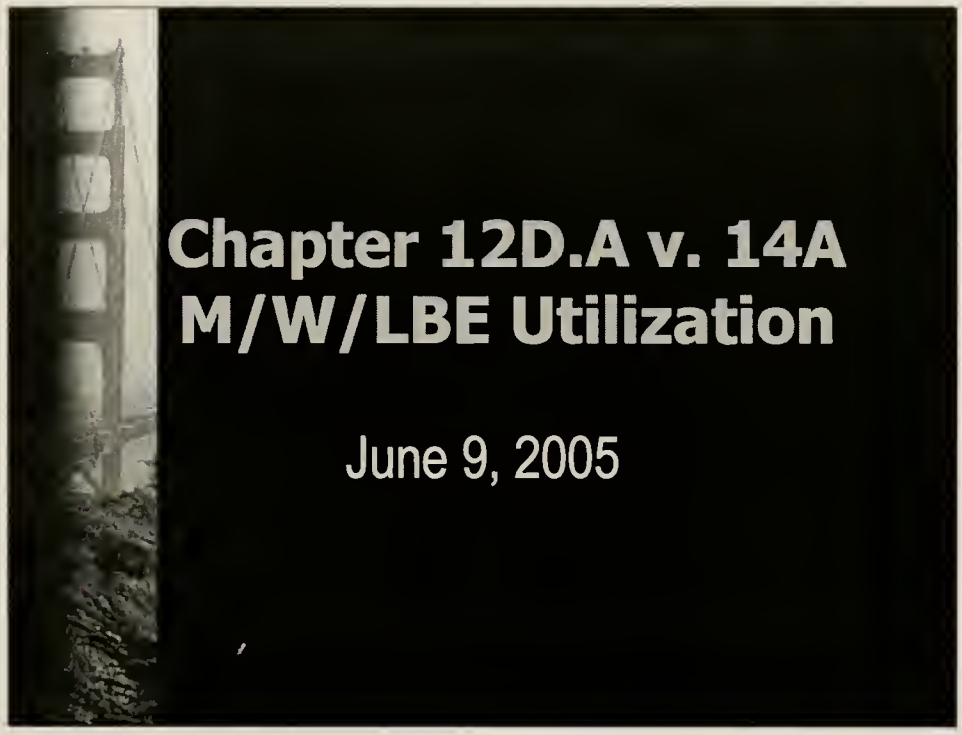
Month and Year	Total Certified	LBE	Percent LBE
October 2003	21	1	4.76%
November 2003	14	1	7.14%
December 2003	48	4	8.33%
January 2004	51	5	9.80%
February 2004	65	3	4.62%
March 2004	96	6	6.25%
April 2004	88	7	7.95%
May 2004	75	7	9.33%
June 2004	66	3	4.55%
July 2004	31	1	3.23%
Total	555	38	6.84%

Ten Month Comparison --- After injunction of 12D- Ordinance. Under Ordinance 14A Certifications from July 2004 to May 2005

Month and Year	Total Certified	LBE	Percent LBE
August 2004	40	7	17.50%
September 2004	50	12	24.00%
October 2004	43	9	20.93%
November 2004	36	7	19.44%
December 2004	43	10	23.26%
January 2005	38	5	13.16%
February 2005	41	6	14.63%
March 2005	54	12	22.22%
April 2005	29	7	24.14%
May 2005	24	3	12.50%
Total	398	78	19.59%

2. UTILIZATION CHARTS

Slide 1



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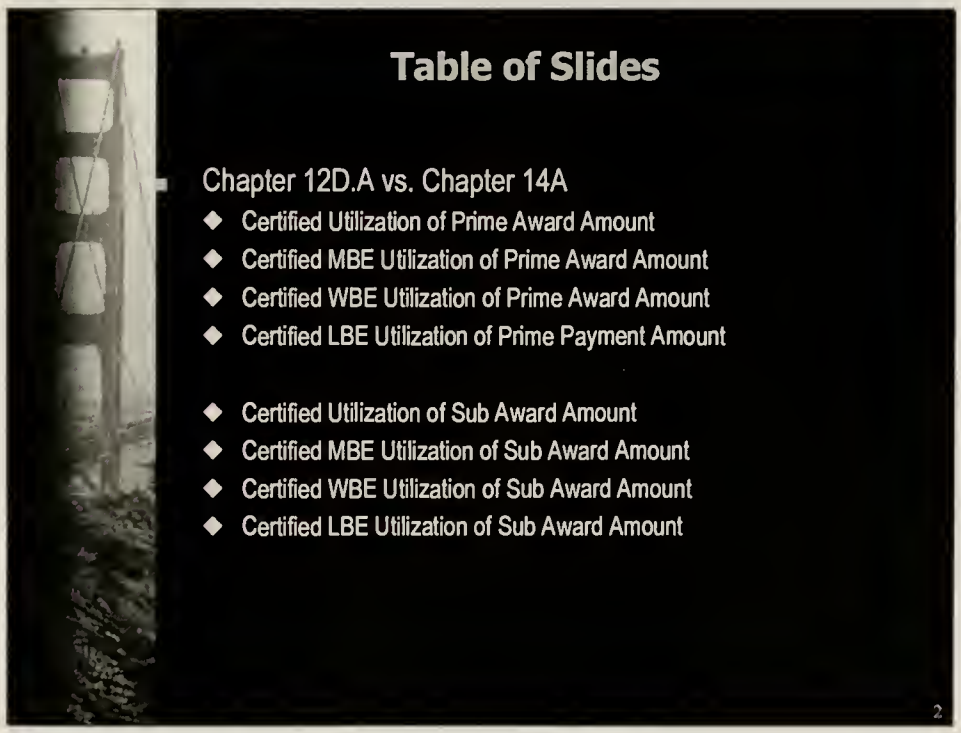
Table of Slides
Chapter 12D.A vs. Chapter 14A
Certified Utilization of Prime Award Amount
Certified MBE Utilization of Prime Award Amount
Certified WBE Utilization of Prime Award Amount
Certified LBE Utilization of Prime Payment Amount
Certified Utilization of Sub Award Amount
Certified MBE Utilization of Sub Award Amount
Certified WBE Utilization of Sub Award Amount
Certified LBE Utilization of Sub Award Amount
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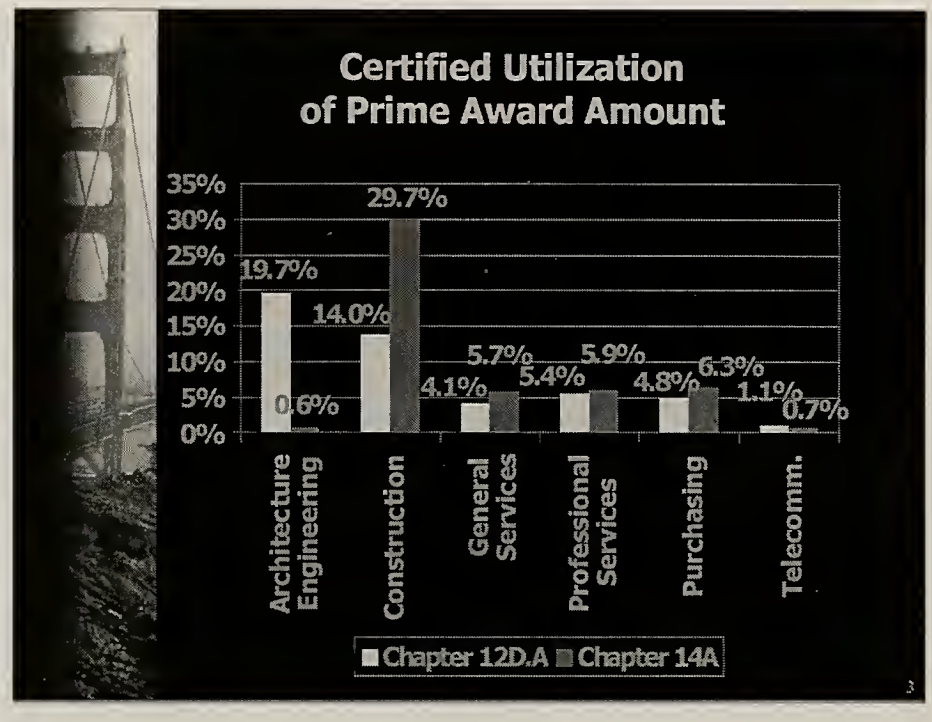
Slide 3



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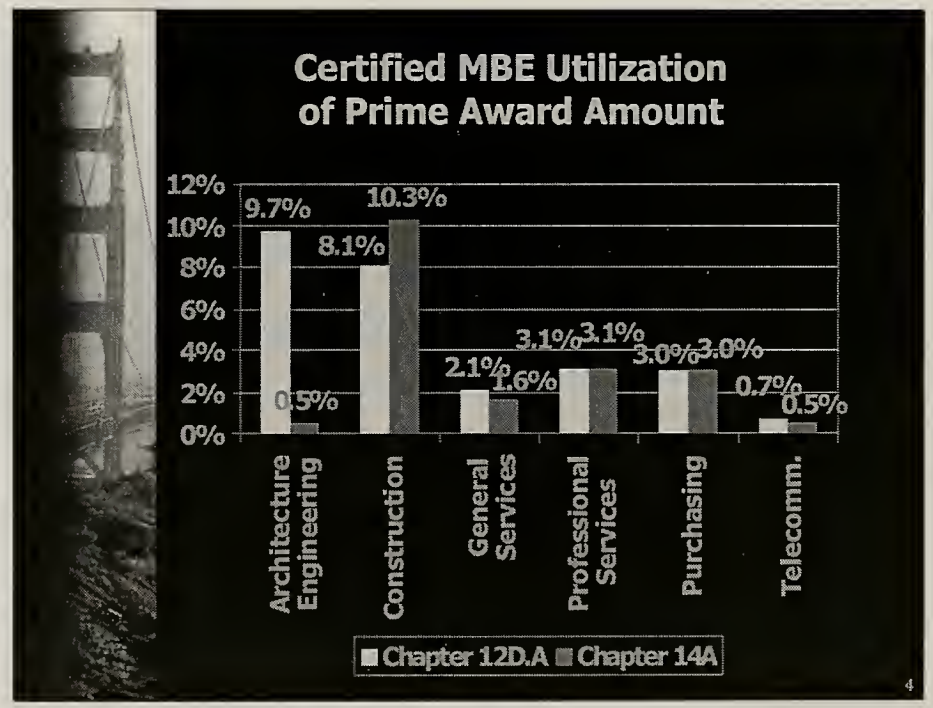

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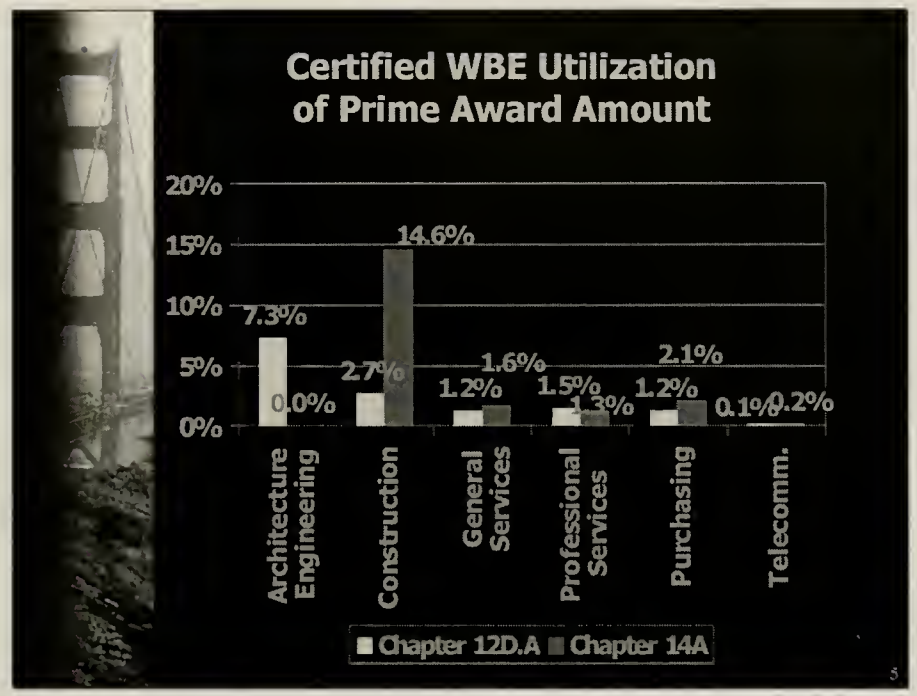

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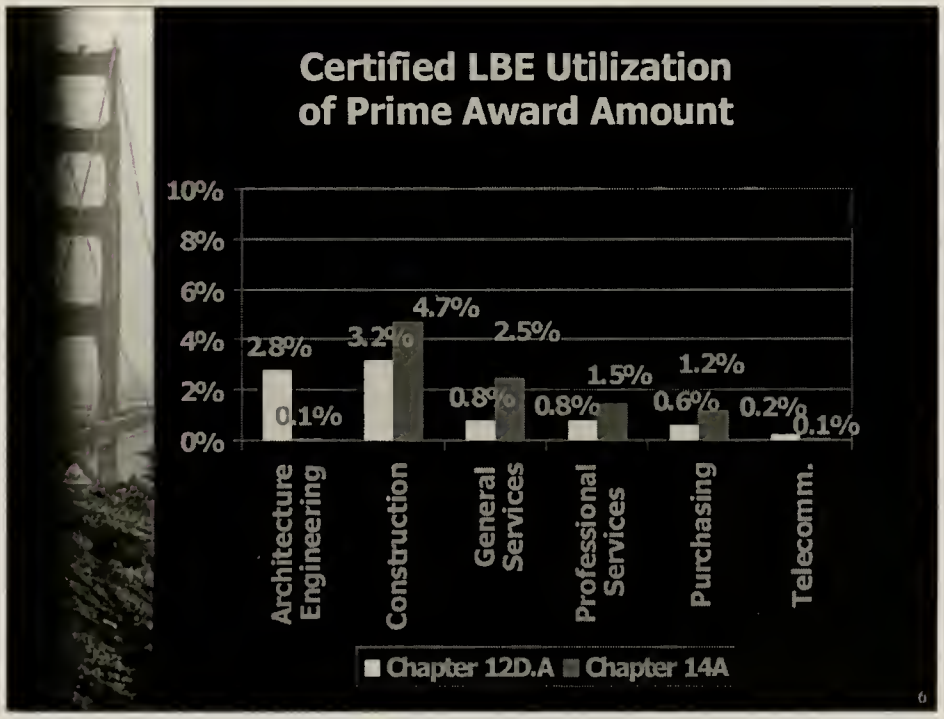

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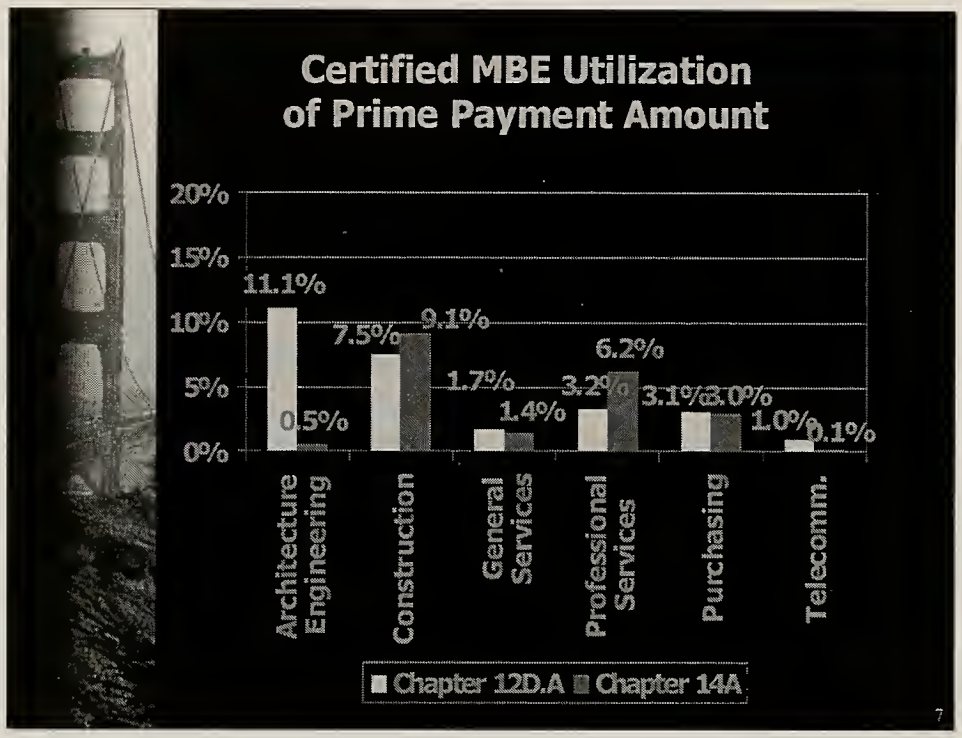

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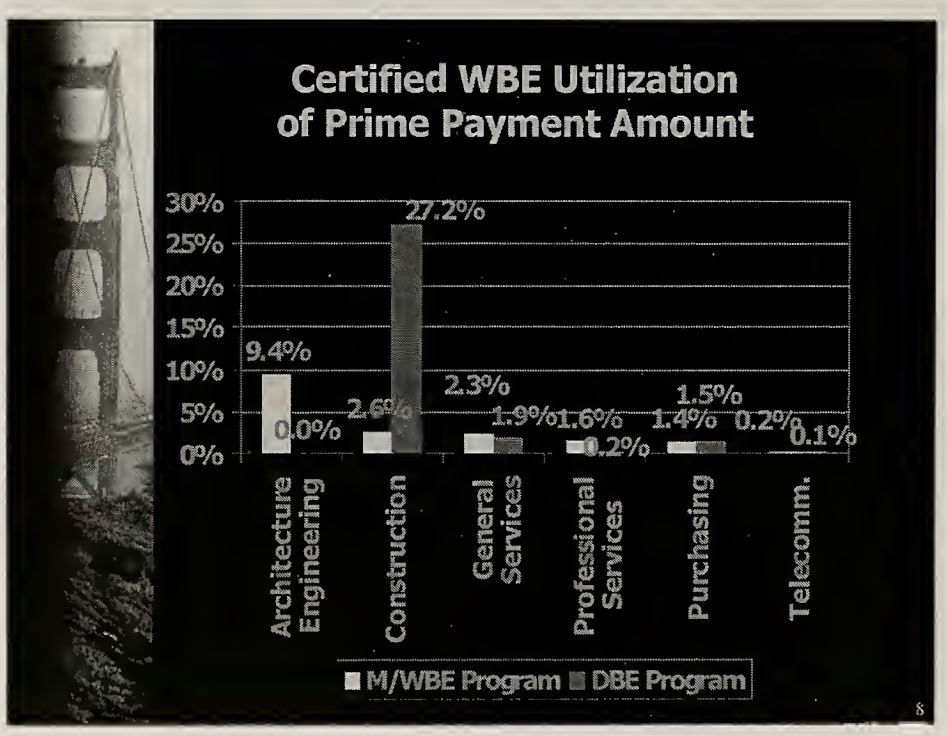

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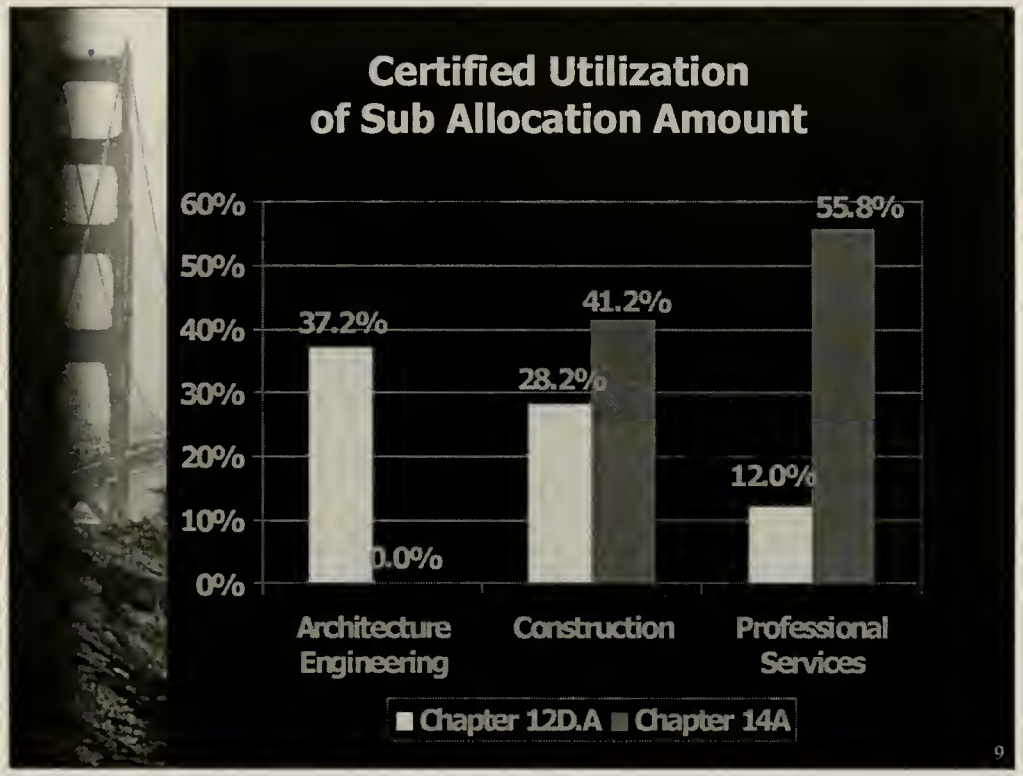

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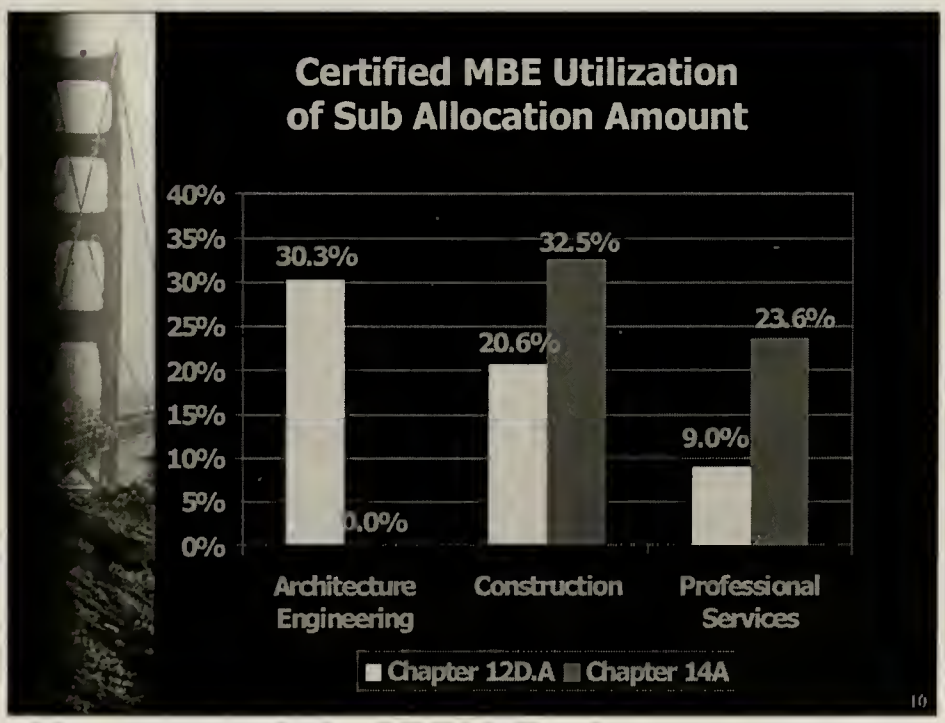

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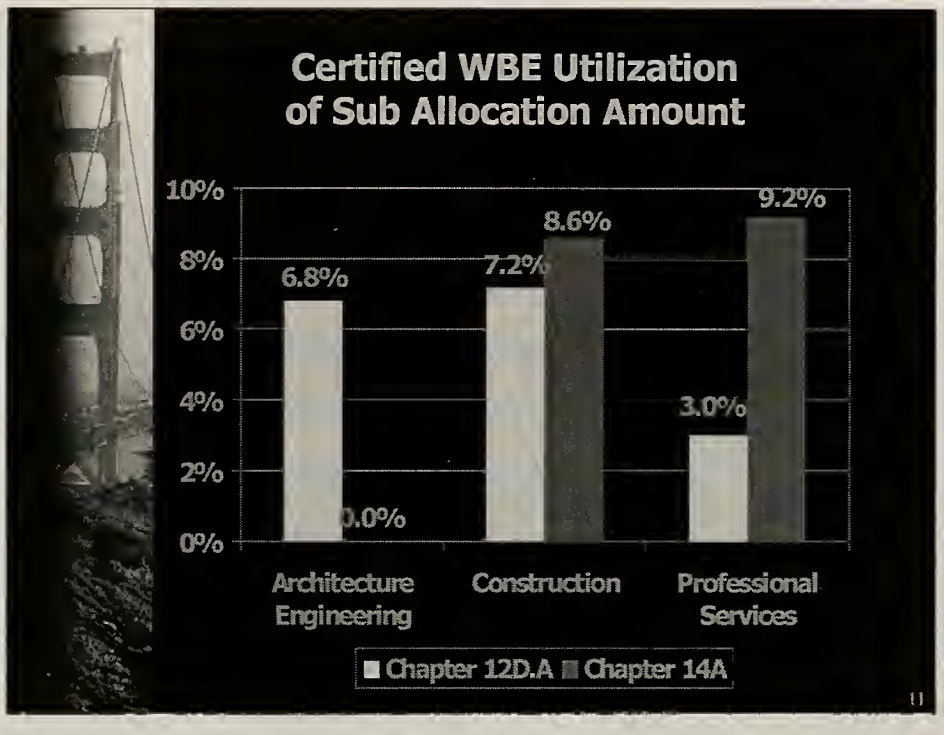

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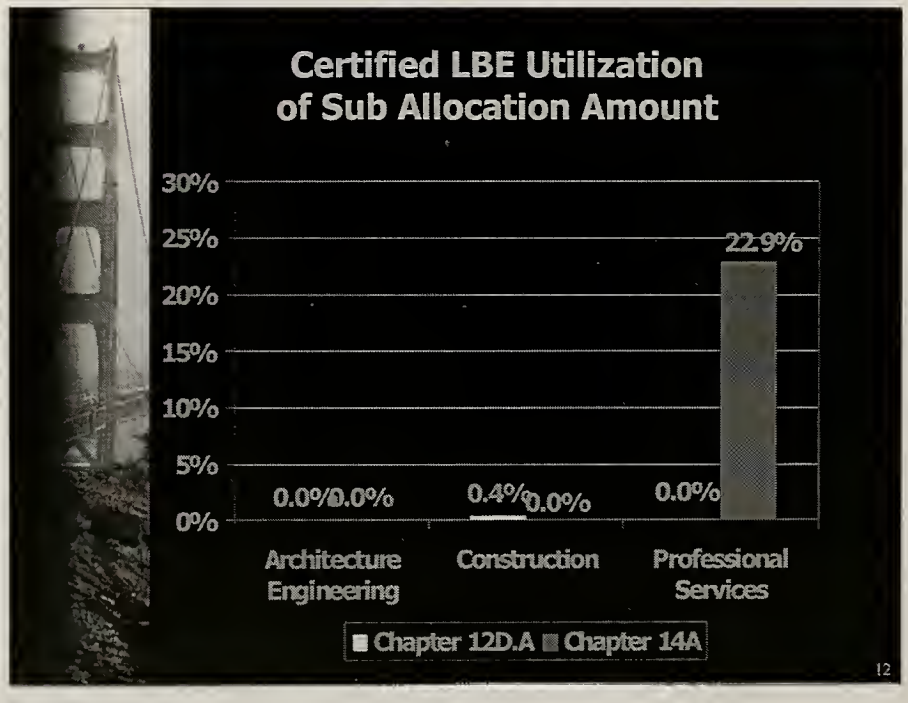

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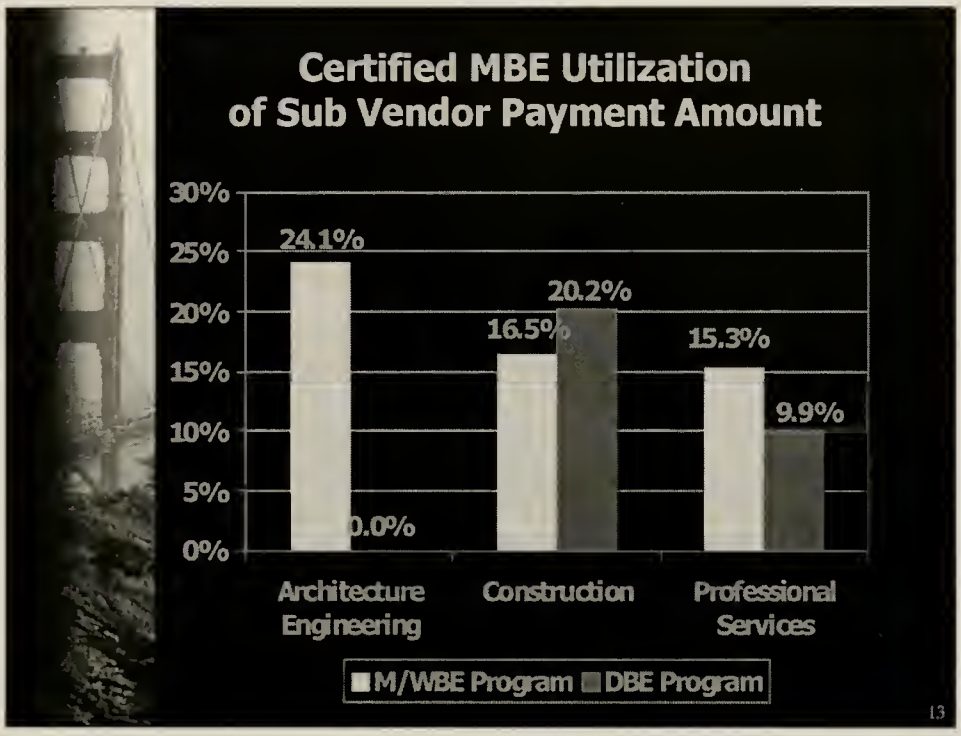

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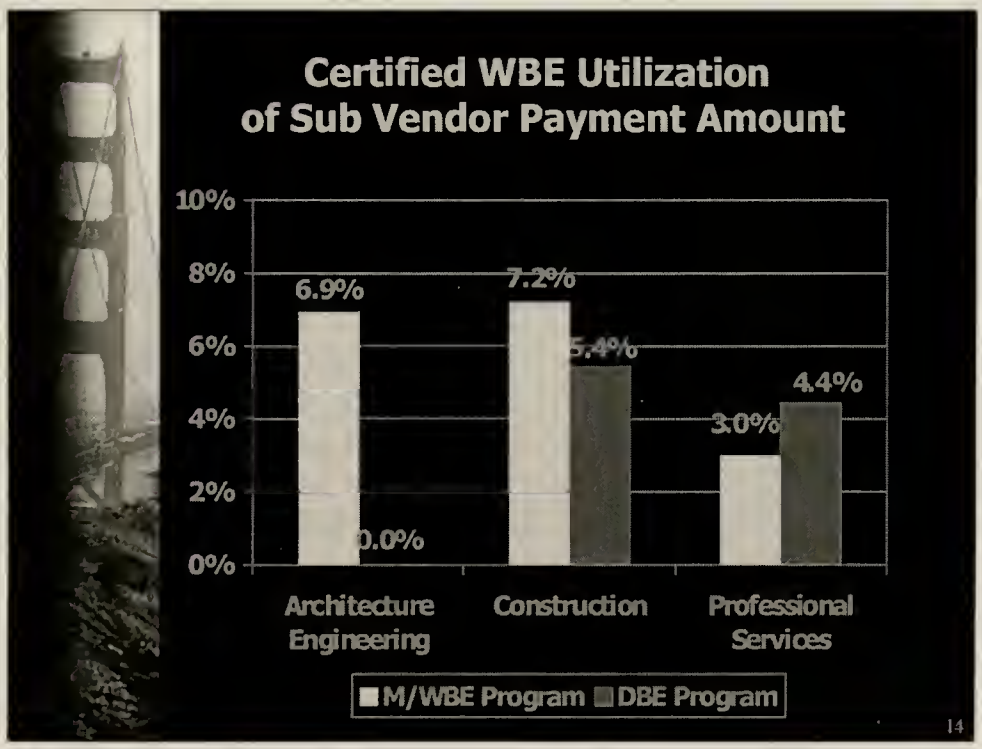

IdrMDBE	(All)

Award Amount (Prime)

Jan 1, 1998
to Present

Sum of SumOfAwardAmt			IdrInd						
CertRegStatus2	IdrEth	IdrGen	AE	CN	GS	PR	PS	TC	Grand Total
Cert	African American	Female	$0	$12,551	$51,456	$8,377,667	$906,985	$78,374	$9,427,033
		Male	$11,567	$3,296,234	$667,868	$1,442,612	$2,789,739	$0	$8,208,019
	Arab American	Female	$0	$0	$0	$0	$0	$0	$0
		Male	$0	$195	$680	$995,645	$610,447	$217	$1,607,183
	Asian American	Female	$0	$309,649	$1,295,189	$6,492,778	$8,297,728	$20,000	$16,415,343
		Male	$9,133,538	$60,250,305	$1,392,681	$12,596,014	$25,137,856	$420,342	$108,930,736
	Iranian American	Female	$0	$0	$79,101	$774,687	$6,521	$0	$860,308
		Male	$0	$2,972,600	$7,370	$39,012	$350,000	$0	$3,368,982
	Latino American	Female	$1,500	$183,002	$1,101,565	$630,453	$786,332	$604	$2,703,456
		Male	$5,382,017	$82,377,764	$1,035,196	$12,859,901	$3,873,239	$65,702	$105,593,819
	Non-Minority	Female	$10,886,395	$57,633,646	$2,480,662	$13,390,137	$17,170,374	$94,190	$101,655,404
		Male	$4,227,380	$60,469,344	$2,864,667	$8,642,319	$10,586,167	$166,400	$86,956,277
Non-Cert			$125,417,617	$1,558,556,004	$240,021,276	$1,289,988,046	$1,222,754,927	$81,396,382	$4,518,134,252
Grand Total			$155,060,014	$1,826,061,293	$250,997,710	$1,356,229,271	$1,293,270,314	$82,242,211	$4,963,860,814

Cert MBE	$14,528,247	$149,275,999	$4,999,277	$40,139,873	$40,259,454	$560,495	$249,763,346
Cert WBE	$10,886,770	$57,759,946	$3,112,490	$17,459,033	$19,669,765	$118,935	$109,006,939
Cert LBE	$4,227,380	$60,469,344	$2,864,667	$8,642,319	$10,586,167	$166,400	$86,956,277
Cert Total	$29,642,397	$267,505,289	$10,976,434	$66,241,225	$70,515,387	$845,829	$445,726,562

Award Amount			IdrInd						
CertRegStatus2	IdrEth	IdrGen	AE	CN	GS	PR	PS	TC	Grand Total
Cert	African	Female	0.00%	0.00%	0.02%	0.62%	0.07%	0.10%	0.19%

	American								
		Male	0.01%	0.18%	0.27%	0.11%	0.22%	0.00%	0.17%
	Arab American	Female	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
		Male	0.00%	0.00%	0.00%	0.07%	0.05%	0.00%	0.03%
	Asian American	Female	0.00%	0.02%	0.52%	0.48%	0.64%	0.02%	0.33%
		Male	5.89%	3.30%	0.55%	0.93%	1.94%	0.51%	2.19%
	Iranian American	Female	0.00%	0.00%	0.03%	0.06%	0.00%	0.00%	0.02%
		Male	0.00%	0.16%	0.00%	0.00%	0.03%	0.00%	0.07%
	Latino American	Female	0.00%	0.01%	0.44%	0.05%	0.06%	0.00%	0.05%
		Male	3.47%	4.51%	0.41%	0.95%	0.30%	0.08%	2.13%
	Non-Minority	Female	7.02%	3.16%	0.99%	0.99%	1.33%	0.11%	2.05%
		Male	2.73%	3.31%	1.14%	0.64%	0.82%	0.20%	1.75%
Non-Cert			80.88%	85.35%	95.63%	95.12%	94.55%	98.97%	91.02%
Grand Total			100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Cert MBE	9.37%	8.17%	1.99%	2.96%	3.11%	0.68%	5.03%
Cert WBE	7.02%	3.16%	1.24%	1.29%	1.52%	0.14%	2.20%
Cert LBE	2.73%	3.31%	1.14%	0.64%	0.82%	0.20%	1.75%
Cert Total	19.12%	14.65%	4.37%	4.88%	5.45%	1.03%	8.98%

3. Hearing Transcript – June 9, 2005

HUMAN RIGHTS COMMISSION & SMALL BUSINESS COMMISSION

City and County of San Francisco
Gavin Newsom, Mayor

Special Joint Hearing Transcript

Thursday, June 9, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS:

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Dr. Raye Richardson
Jordanna Thigpen
Richard Ventura

Agnes Briones, Director

Human Rights Commission/Small Business Commission
Joint Hearing Transcript - 6/09/05

H: Can you hear me in the back? Thirty seconds in, you get your first challenge. Sorry about that. Frank, I'm going to pick on you just 'case you're sitting in the back. Can you heard me okay. (Yes, I can.) Thank you. Again, I'll call this meeting "Joint Meeting of the San Francisco Human Rights Commission and Small Business Commission" to order. I'd like to welcome our guests or co-hosts tonight from the Small Business Commission, Commissioner Sahagun and the other commissioners. Welcome. Thank you very much for joining us here tonight. We've got a lot to get through, so I'll dispense with formalities and just give you a brief overview. Tonight's hearing is basically to get an update and a presentation and have a hearing on where the current contracting program under the HRC's jurisdiction is, how it's going, get some customer feedback, and also talk about where the program is going in the future. And so, with that, I'll turn it over to our HRC Director Virginia Harmon. Virginia?

VH: Good evening, honorable members of the Human Rights Commission and the Small Business Commission. I'm Virginia Harmon, Director of the Human Rights Commission. I want to thank you for holding this hearing on the City's public contracting program. I will be brief because what we really want to do here tonight is to take the opportunity to hear from the small local businesses who are here tonight.

But just by way of background on the history of San Francisco's public contracting program, the Human Rights Commission has worked with the City for more than 20 years to address business discrimination. And as we are all aware, the City's work in addressing business discrimination is nowhere complete. It's not time for the City to back away from its commitments to diversity, fairness and inclusion. In April, 2003, the City conducted its disparity analysis which demonstrated that women and minority owned businesses do not receive their fair share of City contracting dollars. In studies conducted by the National Economic Research Associates last year, the City also found that there is significant discrimination facing women and minorities in the marketplace. In the San Francisco metropolitan area, there are significantly disparities in minority and women's business formation rates, earnings rates and access to the credit market. And the Human Rights Commission continues its resolve to work to ensure the full opportunity in City contracting to the maximum extent of the law.

When the injunction was issued last year, as you are all aware, July, 2004, the Human Rights Commission supported adoption of the Emergency Interim DBE Ordinance while recognizing that it could not serve as a permanent vehicle to remedy discrimination in City contracting. We did support the legislation on an emergency and an interim basis so that San Francisco would have policies in place to instruct it in the fair award of contracts. Without the Emergency Interim legislation, the agency recognized that small local businesses, including minority and women owned business, would be virtually excluded from City contracting. Because of the strong evidence of discrimination San Francisco had identified over 20 years, it would have been irresponsible for San Francisco to award contracts without a policy in place which ensured that small local businesses would have the opportunity to participate in City contracts.

And finally, because San Francisco renewed its promise to remedy identified discrimination and to ensure equal opportunity in its commitment to developing a new permanent contracting program....

As most of you are aware, Supervisor Fiona Ma has taken a leadership role in advocating for small local women and minority owned businesses. She was a sponsor of the 2003 MBE WBE ordinance. Since then, she and the Mayor's Office have been facilitating meetings to gather information to develop a new permanent program. On May 3, 2005, Supervisor Ma introduced

legislation proposing a permanent program. Tonight, we'll initially evaluate how this small local business community has faired since August 2004, under the Emergency Interim DBE Program. We'll first look briefly at the status of DBE certification applications, look at utilization of DBEs since August 2004, and the status of the City's Surety Bond Program. Then we'll follow that by hearing from the small business community, beginning with Oren Sellstrum, Lawyer's Committee for Civil Rights and The Coalition for Economic Equity.

Before we begin, though, I'd like to introduce several people who are here tonight: Agnes Briones, City Director from the Small Business Commission; Naomi Little, the City Purchaser and Director of the Office of Contract Administration; and, I don't know if Jaynry Mak has made it yet. She's a legislative aide to Supervisor Fiona Ma. I'm sure she'll be here shortly. And I don't know if any of you would like to make any comments. Would you like to? Okay. Naomi, did you want to make some comments? And after Naomi speaks, then she'll be followed by HRC staffer Maria Cordero and Roel Villacarlos, followed by Ingrid Merriwether of Merriwether & Williams. Thank you.

NL: Good afternoon, Commissioners. I am Naomi Little, City Purchaser. As the Purchaser, my goal is to improve the cost effectiveness and quality of City operations by maximizing competition for City contracts in order to give *all* personal equal rights to compete for City contracts, to prevent unjust favoritism, collusion or fraud, and to secure for the City the benefit which arises from competition. For this reason, I am here today in front of the Human Rights Commission. The number one way for me to achieve this goal is to support a viable Disadvantaged Business Enterprise program that has teeth. This program provides opportunities for local businesses, which include minority and women owed business. I would be remiss if I did not ask the Human Rights Commission to consider a few things and the Small Business Commission.

One, although the State of California voters passed Proposition 209, discrimination still exists towards minority and women owned business, as evidenced from the Alameda County Availability Study issued in 2004 and by our HRC's own 2003 Disparity Study. Therefore, it is important that the purpose of this Ordinance is to combat discrimination by the City and discrimination in the private marketplace.

Two, I strongly believe that HRC needs a strong will in administering this Disadvantage Enterprise Program. HRC is a neutral, independent agency that will monitor City contracts, as you all are well aware of. And they would make sure that they be departmentally compliant with the law. In this, there needs to be a strong front and enforcement mechanism(?). The reason I say that is because departments are often too busy with their day-to-day operations and their goals and mission. Improper contracting may go by the wayside because they're busy trying to achieve whatever their goals are. When a department's rushed to get a contract out, the competitive solicitation process and often subcontracting goals go by the wayside. The detriment effect is fewer opportunities for local businesses, reduced competition and higher contracting prices for the City in the long run.

Finally, when addressing the definitions in this Ordinance and threshold levels, remember that each industry is a bit different. What may work for an architect firm may not work for a supplier of commodities. And so, I would just like you guys to keep that into consideration. So, thank you for allowing me to speak, and I'm here and I can answer any questions if you have any.

H: Commissioners, any questions? I think one of the goals is to sort of push through... Can we count on you to stay for a little while, Naomi?

NL: Absolutely.

H: Thank you very much. Commissioner Sohcot, did you have something you wanted to raise now?

SS: No.

H: Okay. Director Harmon, I note that Ms. Mak is here from Supervisor Ma's office.

VH: That's what I wanted to say.

H: Jaynry, come on up.

JM: Good afternoon, Commissions. Jaynry Mak, Legislative Aide to Supervisor Fiona Ma. First off, I want to thank Director Harmon and both the HRC and the Small Business Commission for hearing this matter. Our office did introduce a draft legislation in early May, and we do expect to schedule it in the Rules Committee of the Board of Supervisors in early July. And for members who are not already on my email distribution list who want to receive notices of when it is scheduled, I did bring a stack of my business cards. So, if you just email me, I'll add you to that list.

I just want to take a moment and thank everybody for coming out to state their issues and concerns with this Ordinance, and I look forward to receiving the report from today's hearing. Thank you.

H: Thank you. And as for the members of the public who are here, as Ms. Mak noted, we will be passing on sort of the results or findings from this hearing from the Supervisors and Supervisor Mah in particular so that she can marshal this sort of community input as she goes forward with this legislation. Thank you, Jaynry. Staff now, Virginia? This is Maria Cordero from HRC. Hello, Maria.

MC: Good evening, Commissioners. I think I'm going to need Roel so that he can do the slides for me real quick. Thanks. We're going to do a brief presentation on certifications. I'm Maria Cordero and I manage the certification unit for the San Francisco Human Rights Commission. And I'd like to welcome the Small Business Commission to this hearing and, of course, our HRC-Commissioners, thank you for holding the hearing. The overall purpose and objectives of the program, is to ensure that local San Francisco disadvantaged firms receive a competitive edge to participate in City contracts. The program is a two-part program. It's a prime participation program where certified firms bidding as primes receive a 10% bid bonus points in professional services contracts or a 10% bid discount in construction. And a subcontracting participation program. Where prime bidders regardless of whether they are certified or not are required to outreach and meet goals set on a contract by contract basis by utilizing HRC certified local disadvantaged firms. The program is based on economically disadvantaged status. So, we review three years of taxes. The businesses who average gross receipts in three fiscal years does not exceed limits set by the Ordinance, such as in construction, which are A and B licensed contractors, General Building and General Engineering contractors is set at $14 million average gross receipts of sales for the previous three years. The C and D specialty contractor licenses such as plumbers, electricians, etc. is set at $7 million average gross receipts of sales in the previous three years. Material, equipment and general supplier vendors are set at $7 million and Professional services are $2-1/2 million, and that includes architects and engineers. Trucking is $3-1/2 million and telecommunications is right now set at $5 million. To be certified the local, disadvantaged business must be located in San Francisco for 6 months and perform a commercially useful function in San Francisco. The business is to have a fixed and established place where they work and perform clerical, administrative, and professional work. If certifying as a manufacturer, do production work in San Francisco and if certifying as a supplier the business must keep a stocked San Francisco warehouse with supplies for which they are being certified. A temporary office to oversee a project does not qualify for certification under the local business enterprise disadvantaged program definition. The last slide that I have for you tonight is actually a 10 month analysis between what happened before the Ordinance injunction of July 24, 2004. The first chart

shows the total certified firms by month. In October, for example, there were 21. And the local certification at that time, which are defined as non-minority, non-woman owner, was 1. And as you can see, I put the percentages of local businesses in the last column. This chart covers certified firms from October, 2003, to July, 2004. There were a total of 555 certified firms within that time frame. Can you see that? Sorry about that.

In November 14 and December there were 48, and so forth, we see a decline during the summer months and an increase during December, January, February, and March. In conclusion what the first chart shows is a total 555 newly certified firms. 38 of those are local business enterprises, which are those classified as non-minority and non-women owned local certified firms.

The second chart shows certified firms from August, 2004, under the new DBE program, the 14A temporary program that we now are implementing. We have seen a significant jump on certifications for local businesses. The majority of them were certified, in the construction area. But overall, there has been a jump of about 33% coming in to get certified as DBE local in construction, in total it shows a jump of almost 20% overall LBE certification. In addition, a number of firms have opted not to seek recertification with the program.

H: Maria, if I could just ask a couple of questions to make sure we understand this? The two charts are sort of before and after the injunction issued, or before and after the DBE program took effect, as opposed to the old program? Is that the idea?

MC: That's correct.

H: And I assume under the new program, we still keep statistics or keep information so we know who under the old program would have qualified as an MWBE situation?

MC: Yes, we do.

H: So, with that information, what you're telling us is that since the new program has taken place, we've seen an uptake in firms seeking certification who wouldn't have qualified as an MWBE before?

MC: That's correct.

H: And that's the 33% figure?

MC: That's the 33%.

H: But we've also seen an actual decrease in overall numbers of people seeking certification?

MC: That's correct, Commissioner.

H: Why is that?

MC: I send reminder letters to businesses prior to the expiration of certification and a lot of them have stated that the program is not worth being certified any longer.

H: I appreciate that Let me ask a pointed question in the interest of time, and if you don't know the answer, I don't want you to speculate. Is there a sense amongst the businesses that we used to serve under the prior program, that the new program not be as advantageous or even useful to

them such that these people, where they may have sought certification before, are not seeking it now? Am I leaping too far looking at these numbers?

MC: The business owners that I have spoken to when they tell me that they do not want to go through the recertification, their main complaint is that it was very difficult for them to get contracts in the past and now that they will not be used to meet the subcontracting goal and be set to go as a minority or women, which we had in the past, that would not be worth it for them to even go through the certification process anymore.

H: So the feeling is that the advantage previously provided has been somewhat diluted?

MC: That's correct. They feel is not worth the same as before when a small goal was separated for them on each contract.

H: So, in addition to seeing not only a decline ... This will be my last question, I promise. Not only a decline in total number of certifications from pre-court injunctioned to post-count injunction, are we also seeing a decline in recertifications?

MC: That's right.

H: How significant is that decline? I lied. That was my second to last question.

MC: From about 356 recertifications, 144 decided not to.

H: And that's more of a drop off than we were experiencing before?"

MC: It's much more. It's very close to half. We used to have a 70% rate of recertifications.

Richard Ventura (SBC): If I may just follow up on that question. The certifications don't really reflect those that have been awarded contracts, correct? Not everyone that is certified is awarded contracts?

MC: That's correct. Mr. Villacarlos is going to talk to you about that.

H: I see our friend from the audio/visual department is here. The minute you walked through in door, it started working. No wonder they keep you around. That's very impressive. Mr. Villacarlos? Thank you, Maria.

RV: Good afternoon, Commissioners. Roel Villacarlos, the Human Rights Commission. And today my presentation will be the utilization of minority and women owned firms as well as local certified firms before the injunction and after the injunction. Now, just as a caveat, I want to throw out there that we are looking at approximately six years of data, looking at an average of six years of data, under Chapter 12d, and about 10 months of data under Chapter 14a.

First, I'm going to show you a table of slides which will include the overall picture of utilization on the prime level as well as on the sub level, and then I'll also break it down by MBE, WBE and LBE.

The bar chart in yellow signifies utilization by percentage, and it's broken down by industry under Chapter 12dA, which is the MBE WBE program. It's 19.7% in A&E, in construction it's 14%, child services is 4.1%, professional services is 5.4%, purchasing is 4.8%, and 1.1% in telecommunications.

H: Can I interrupt you for one second? We talk about this all the time at this Commission. We've seen this report. We've got some guests here from another Commission. We've got some guests from the public. Can I ask you to give us a sentence or two of what a utilization rate is?

RV: Yes. Utilization is basically the rate of MBE and WBE funds that are awarded contracts compared to the overall contracts that the City awards. So, basically, what we're looking at is the utilization of minority and women owned firms in City contracting. Again, to distinguish, we're looking at pre-injunction and post-injunction. So, again, the yellow signifies pre-injunction and the green signifies post-injunction. So, in a 10-month period, we see a significant drop in the utilization, again this is on the prime level, in A&E contracts. But we also see an increase in utilization in construction. This is overall. Let me break it down by minority.

David Sahagun (SBC): Are we measuring as a percent of dollars awarded?

RV: Dollars awarded. This is the utilization of minority owned firms only. Again, a significant drop after the injunction in A&E contracting, and in construction we have a slight increase. And it's pretty consistent across the board for general services, professional services, purchasing and telecommunications.

Women owned businesses. Again, a drop in A&E services, an increase in utilization for construction, general services, and purchasing.

These are certified non-minority owned firms located in San Francisco. As you can see, we again consistently have a drop in A&E, which raises concern for us. And also, I want to point out the fact there has been an increase across the board for local non-minority owned business located in San Francisco and their utilization.

Now, as you know, our program consists of two levels. One is in the prime, which I just showed you, and the other is in subcontracting. Really briefly, on the subcontracting level, utilization is only showing 3 industries. And the reason for that is usually the subcontracting participation occurs in the architectural, engineering, construction and professional services industries. Not so much so in general services or purchasing. In A&E again, we see significant drop in prime awards to minority and women owned firms or certified firms, for that matter. An increase in construction and professional services.

This is for minority subcontracting only and women owned firms. The thing that really jumps out at us is again the drop in A&E participation by women owned and minority owned firms as well as local owned firms, and the increased rate of utilization of utilization of local non-minority owned firms.

And again, this data is gathered from the diversity tracking system which tracks the contracting dollars that the City puts out through the Controllers Office. I want to point out that there is also payment information allocation as well as the number of contracts that are being awarded, which I left out of this presentation for the purpose of time. With that said, if you have any questions....

Jordanna Thigpen (SBC): For the 12D figures, did you just basically take the averages of previous six years' worth of data?

RV: Yes. And we took the percentage of that and compared it to the last 10 months in which the 14A was in effect.

RV: (Richard Ventura) Is there a reason why there's such a huge drop in architecture and engineering? Have you been able to see any trend?

RV (Villacarlos):Actually, we're looking into that now. This is the first time since we've extracted and did an analysis on the diversity tracking system. As you know, 14A has only been in effect for approximately 10 months, and so we're trying to gather as much information as we can.

Dr. Rae Richardson (SBC): Do you have a list of architectural firms headed by women or minorities?

RV: Yes, we can provide that for you.

H: Other commissioners? Speaking with Maria earlier, we talked about the concept of dilution of the program or another way of looking at it as maybe the new program allows more companies in for certification. Looking at some of the numbers you showed us, there may be some instances of either dilution or greater participation, whichever side you want to look at it from. But it seems that overall, the utilization rates have sort of dropped across the board, not in all instances, but in some instances, more than would be made up for by greater participation. If you're following what I'm saying. It seems like there's just, regardless of what the pool of people is, there's lesser utilization under the new program than there was under the old program just as a percentage basis. Do we have a reason for that?

RV: That's correct. Again, it's hard to look at the statistics right now and make a concrete analysis of it being that this program has only been in effect for 10 months. So, we have very limited data to base that on to get a concrete conclusion on why that is.

H: But just to clarify that I understand this correctly, we are seeing slight increases in local utilization versus the previous program, slight decreases in MWBE utilization vis a vis the old program, but on an overall scale, we're actually seeing decrease as a total of overall utilization?

RV: Yeah.

H: Thank you very much. As always, you and Maria make great presentations. Ingrid, nice to see you.

IM: Nice to see you, too. Just take a minute to ...I'll try to get started without the Powerpoint. Good afternoon, Commissioners, Chairman Heinicke. My name is Ingrid Merriwether and I'm the President of Merriwether & Williams, and we have managed the Citywide bonding and finances systems program since 1997 on a citywide basis, although the program originally started at the San Francisco Airport as part of the expansion project in 1995. We're actually celebrating a 10-year anniversary of the program. And I was asked to come back today and kind of give a little overview of the program and talk about our activity results and our challenges. And I've also been asked to keep this brief. So, I'm going to skip through some of the information.

First off, the objective of the program is to address the barrier that bonding and financing represent to small, minority and women owned contractors -- I'll just use the term DBE for ease as we go forward -- who must procure a bond, especially in construction, to bid on a public works contract. And the reason that is the case is that there's a law called the Miller Act that dictates public entities secure bonding from contractors who are performing City work or a public entity work being paid by taxpayer dollars. Access to bonding has been an historical barrier to small minority contractors. A lot of it has to do with what a bond is. I'm just going to give you a 10-second orientation on what bonding is because it will help you to understand why it's so difficult for small businesses to secure.

First off is the bid bond. A bid bond has to be posted when a contractor submits a bid. And the bid bond is a guarantee to the City that if that contractor is the selected low bidder, they will be provided by the same surety company -- that's who provides bonds -- the final performance bond necessary for them to receive award of a contract. So, to qualify for a bid bond, a contractor has to go through the same underwriting process as if they were actually awarded the contract. Without the bid bond, the contractor cannot submit a bid.

A performance bond is a bond the City requires that guarantees the performance of the contract. Whatever's in the specifications of the contract, the contractor completes the contract on time

within budget, a performance bond is a guarantee by a third party, the surety company, to the City that that contractor will perform that contract.

Finally is a payment bond. A payment bond is a guarantee that the contractor will pay all subcontractors and suppliers due under the contract. So, contract proceeds are being dispersed to subcontractors and suppliers to avoid the filing of mechanics' liens by those parties.

That's really what a bond is. When you hear the term bonding with respect to public construction, that's exactly what the bonds provide. When you realize the extent of the obligation of a surety company when they're providing a bond for a contractor, you can better understand the scrutiny they apply to the contractor before they agree to provide them bonding. So, all of those items there are what the surety company looks at before they're willing to provide a bond to a contractor: capacity to perform; financial strength; track record and history; organizational structure; line of credit; character; and other things that really create a vicious cycle. And I'll show you that in a moment.

The requirements of the surety company create a vicious cycle for the contractor to demonstrate capacity to perform and experience on like kind work. The surety is looking at what they've done in the past. But if the contractor can't access the bonding they need to bid and secure that work, then they can't build up the track record that the surety company is evaluating on them. So, it's because of this barrier and difficulty in securing bonding that the bonding program was originally created and implemented at the San Francisco Airport, again, in conjunction with the expansion project. We were retained to design a program, put it in place, and the Airport established a $4 million guarantee pool that we were able to use to post collateral on behalf of contractors on a contract-by-contract basis. With those resources, we were able to secure about $52.8 million in bid performance and payment bonds for contractors at the Airport, and contractors were successful low bidders on about $18-1/2 million. Contractors also received $5-1/2 million in financing support. There were never any default claims or losses at the Airport, and the Airport saved $1.2 million in contract savings because of the increased competition created by the bond program and more contractors being able to compete.

Because of the success of the program, it was expanded citywide in 1997. It became part of 12d. It now rests as part of the emergency legislation 14b, and 7 city public contracting departments support the program. As opposed to the $4 million guarantee pool we had at the airport for just airport construction work, we have a guarantee pool of $395,000 for the City program.

To address the lack of funding issue for the guarantee pool, and let me explain a little bit about how this guarantee pool works. It's used as leverage. The guarantee pool isn't actually funded. There are no dollars ever expended from the guarantee pool unless we had a default or claim, which none have occurred in 10 years. But the pool is leveraged. That's how we're able to post the collateral on behalf of the contractors. So, since the program was expanded citywide, we've helped an additional 28 minority women, local, disadvantaged businesses bid on $62-1/2 million in contracts. They were low bidders on about 30%, close to $20 million, and as a result of their low bids, the City saved $2.8 million from those contractors.

The benefits of the program to the contract: helps the contractor better qualify for the bonding process. We do an assessment for the contractor to see where they are when they first approach us to kind of give them some direction on the size of contracts that qualify for bonding so, obviously, they're not pursuing contracts that are above and beyond their ability to bond. We provide extensive consultative services that the contractor cannot procure in the commercial marketplace. And we also refer the contractors to local brokers and CPA firms. The program actually subsidizes the cost of CPA-prepared financial statements on a one-time basis or an as-needed basis. And the program, as far as the surety (?) are concerned, helps them write

contractors that they normally would not write bonds for because we're able to directly mitigate their risks by posting collateral in some instances. We also do other risk management like third party funds administration that reduce error (?), alters the distribution of the contractor-contract proceeds to a third party to pay the contractor's obligations on their behalf.

So, the program services that are offered to the contractor: we provide bond guarantees up to 40% of the bond, or $750,000, whichever is lower; we can provide financing assistance at 50% or $750,00, whichever is lower. Obviously, this is always contingent on the availability of funds and you can see with the $350,000 guarantee pool, we haven't done too many transactions at that scale. And as I said, we provide accounting services; funds administration; technical services. All services are at no cost to the contractors except for the financial statements where they are required to pay the first $500.

This is a little technical about how the process works. We advertise the program on two contractors. We attend all the pre-bids. The program information is actually published in the pre-bid. We host department workshops in our office as well as off site locations where we'll have, say, PUC or DPW actually join us in actually doing an outreach workshop to contractors where they hear both about upcoming contract opportunities with those departments as well as the assistance that we can provide them on bonding and financing.

So, the overall results since implementation at the Airport has been 50 contractors, $115 million in contracts that contractors have been able to bid on. They've been the successful low bidder on just shy of $38 million. And the program has saved the City about $4.6 million in contract savings. And in your materials, you will actually see our activity report. Those are actual transactions from the program. And you'll see that cost savings report. So, you can see how we capture the savings that the City is able to garner by enabling more contractors to compete. This obviously dovetails with what Naomi was stating earlier about the objective of increasing competition. And by addressing some of the barriers that preclude contractors from bidding and competing, you can see the results come back in the way of savings to the City, in addition to facilitating more work to local small contractors. Unless you have questions, I think that's ...

H: We do. Wonderful as usual. Commissioners, any questions for Ms. Merriwether? Let me give you three quick ones. I think I know the answers, but I think they're hopefully helpful. Who's eligible for this program?

IM: You have to be certified with HRC now as a DBE, but obviously prior MWBE or LBE.

H: And I assume there's more demand than the $300,000 and some odd will allow. How do you pick those people if you've got 10 people who want it and leverage to supply 2? How do you pick the 2?

IM: Generally speaking, a contractor approaches us on a contract-specific basis. So, let's just say it's a contract for DPW. We contact DPW or through the Controller's Office to identify if there is a source of funds to support the collateral we need for that transaction. We don't always derive from that guarantee pool. Sometimes the department will put funds towards collateral support for the contractor. Once DPW says "yes, we can put aside so much money," then we can help that contractor and any other that comes through the door for that particular contract because only one is going to win the bid. But we have had about 11 transactions where we were not able to facilitate the request from the contractor because no funding was available.

H: And that's when you fall back to the pool?

IM: Even when the pool was not sufficient. So, those are cases of just not being able to do the transactions, contractor can't bid, and the City looses out on the potential opportunity to save money.

H: So the general course is -- you go to the contracting agency for the resources; if they don't have it, we fall back to the pool, and if neither of those are sufficient, then they contractor is out of luck. What percentage of the times when your assistance is sought is the contractor out of luck because of insufficient funding of the department or the pool level?

IM: I'd say roughly 20% of the time.

H: Actually, not a huge problem, but we'd like to have more money in that pool.

IM: Especially considering we don't spend the money. The money's just set aside as a contingency fund.

H: Perfect segue to my next question. If we don't spend the money and there's no money coming out of the general fund, why doesn't the Board of Supervisors just make it $700,000? Is it a credit rating thing for the City?

IM: No, it's a certification of funds issue to the Controller's Office. Those funds, even though they're not actually expended, they still have to be identified so that if we did have a default, the Controller's Office would have some place to go to draw that from. So, right now, that's only $395,000.

H: I see. So, it's not a situation where you're certifying the debt and then it would come back against the City? The Controller has actually set aside a pod of money, even though it's never expended?

IM: Yes, basically yes. And one thing I would add is that this has really become a best practice that they modeled in other locations. We've put a program in place with the Los Angeles Community College District and the entire City of Los Angeles, and all the airports are putting the program in place as we speak. So, it's really being modeled in other locations because of the track record here in San Francisco.

H: How big would the pool have to be to bring that 20% down to say 5% or some other minuscule or negligible percentage?

IM: Considering what we've managed to do with $350,000, we feel if we had at least at $2 million pool, we could probably respond to most of the needs and the requests that come our way.

Jordanna Thigpen:: (Thigpen) That was actually my question.

H: Any other Commissioners?

Dave Sahagun:(SBC) To qualify for the program, do they have to live in San Francisco and actually be residents?

IM: No. To be certified, yes. And one other point I'd make if we had our wish list of things that we'd like to address for the program -- right now, the program is limited to construction, but bonds are also required in service industries such as security guards, janitorial services. And the legislation right now doesn't allow us to extend the program services to those firms, and there is definitely need We get requests on a pretty regular basis outside of construction that we cannot fulfill.

H: Is there any reason that you're limited to construction right now or is it just sort of a pilot idea?

IM: I can't tell you how it got in the legislation that way. That was just how it was drafted.

H: Very good. Anyone else?

Dr. Rae Richardson (SBC): The listing here for example, Asian. I assume then each group gets a brownie point for ...What if business is head by a black woman? Are there two brownie points or what?

IM: I think that's actually a certification or utilization question. But I think, if I'm not mistaken, Virginia, for meeting the requirement under subcontracting, they can only be one or the other. So, they either are a minority firm for that contract or a woman owned firm for that contract. And we used to track the ethnicity of the contractors who came through the program. That was when it was an MWBE program and HRC wanted to be able to delineate between ethnicities. Now we don't track ethnicity or gender any longer since it's now basically a DBE program.

H: Again, the threshold for entry into this program is certification under the current program which is a DBE program, not currently an MWBE program.

IM: Correct.

H: Any other questions?

Jordanna Thigpen: Yes, I have a question. In terms of tracking the ethnicity, is there a reason for that? I mean is there a legal reason for that?

IM: Yes. That's why we don't do it any longer. So, you have information. You'll see that we stopped including ethnicity information once we changed the program to reflect the DBE program. But prior to that, we were asked to track ethnicity.

H: Commissioner Thigpen?

JT: Have you seen a corresponding drop off in participation the same percentage points that we saw earlier, the graphs that we saw earlier? Have you noticed any differential?

IM: No, not directly impacting us, no. Actually, we've seen an increase lately. We've probably got 4 or 5 new contractors enrolled in the program whom we've done transactions for in a shorter period of time, and we've seen an increase because now we have newly certified firms who weren't certifiable under the old program.

H: Commissioner Kahn?

YK: We're showing a savings to the City over the course of the program of $4.1 million, which is wonderful. I just want to know about the actual costs of the program which would be charged against this when we go to lobby for this.

IM: The average administrative cost of the program on an annual basis is about $300,000.

YL: Thank you.

IM: And I was going to point out that if you look at the cost savings and you look at the activity just since October of '04 on your activity reports, that totals $820 some odd thousand of savings with just 5 or 6 transactions, which basically pays for the program through 2007.

H: Thank you very much. Always a lively discussion when I come down here. Our next speaker is Oren Sellstrum. Oren, nice to see you again. From the Lawyer's Committee for Civil Rights among other organizations.

OS: Oren Sellstrum from the Lawyer's Committee, representing the Coalition for Economic Equity. As many of you all know, the Coalition is an umbrella group of many different minority and women owned business groups that's been working on these issues in San Francisco for many years now. We were instrumental in getting the first ordinance passed in 1984, have worked continually since that time to strengthen, reauthorize the ordinance, and also help to defend against it against the many different court challenges that have come over the years. For the last 8 or 9 months, we've been working very closely with our membership as well as with HRC's staff, with the City Attorney's Office and with the wider community to try and come up with a very strong replacement program that would also be legally defensible. And I would say, based on where we are in terms of the data that we've heard today, the Ordinance that Supervisor Ma has introduced, I would say our attitude at this point is one of cautious optimism.

Let me start first with the optimistic parts. There are a number of elements in Supervisor Ma's Ordinance that the Coalition felt very strongly needed to be included, and are included. That starts with the findings and statement of purpose of the Ordinance which makes very clear delineates the history in this City of discrimination against minority and women owned businesses, and exclusion from equal contracting opportunity. Essentially, going through and referencing all of the disparity studies that have been done over the years, all of the anecdotal evidence that has been produced, showing that this is a serious problem in this City and that the City itself is in many ways culpable. City departments, especially on the prime contracting level, because of their policies and practices, have often led to the exclusion of MBEs and WBEs from equal opportunity. It's important to realize, and the Ordinance says this now, that Judge Warren when he invalidated 12D, did not question any of those findings, did not question any of the City's disparity studies, but simply said, "You, City, have to come up with a different way of remedying that problem." Yes, the problem still exists, but now that 209 is the law of California, we need to come up with a strong legally defensible way to remedy that problem. So, it's very important that the Ordinance starts out by saying, "This is the reason for this Ordinance."

The more substantive portions of the Ordinance track that same theme and are specifically looking at remedying the discrimination and exclusion of MBEs and WBEs, but in the context of a program that is non-preferential. And so, for instance, the prime contracting program, the bid preferences bid discounts are based on small local business status. But within that, there are also requirements that the departments have to do outreach to a broad range of businesses that has to include MBEs, WBEs and all other businesses, so that we will not see the kind of dilution that we're concerned about under the Emergency Ordinance of departments only giving the discounts and preferences to small local majority owned firms. So, there are strong provisions in there requiring outreach by departments and requiring that the HRC monitor and enforce those provisions.

The subcontracting program is based on a similar model where there are mandatory subcontracting minimums that are based on small local subcontractor business status. But within that, again, there are strong requirements that prime contractors in meeting those minimums, have to engage in the broadest possible outreach. So, they can't just rely on small majority owned firms. And again, with enforcement mechanisms so that the Human Rights Commission can look at the data and make sure that the prime contractors are doing that.

The Ordinance also contains a number of new creative options to try and remedy the problem of exclusion of minority and women owned businesses starting with the creation of a micro enterprise program. These are very small businesses which have the size thresholds that are roughly half of what the current small business threshold is. And because this part of the program is a fully race and gender neutral part of the program, we can have set asides for those micro businesses, something that was virtually impossible to do under the old MWBE program. But with the micro enterprises, what the Ordinance says is, "We're going to set aside just for competition

among these micro enterprises smaller contracts." We're hopeful that that will, in addition to the other elements, create a strong program overall. So, those are very important elements, things that we feel very optimistic about.

Our caution is based on what's not in the Ordinance. As those of you who have read over the Ordinance know, there are a number of places in the Ordinance where there are gaps. It was introduced and simply said, "Fill in monitoring enforcement provisions here." So, it's skeletal in that sense. We are very concerned about a couple of things. One is that we know there has been lobbying by City departments to try and get out from under oversight by HRC, wanting to essentially self-monitor, to have some of those HRC tasks of monitoring delegated to departments. That is very problematic for us, particularly in light of the City's history. All of the actual predicate that has been built over the years showing that, in fact, City departments are often a major part of the problem. The idea of having HRC's strong enforcement rule diluted in that way is very problematic. Essentially, like the fox guarding the hen house. Something that we are strongly opposed to. It's not in the Ordinance now, but we are very concerned because we know that's what departments are advocating for.

We're particularly concerned about that same issue with the PUC, the Public Utilities Commission, which again has wanted to have something inserted in the Ordinance to essentially exempt PUC from HRC oversight. We're talking about very, very major project, million dollars that are at stake in terms of PUC contracts. And if there's any department that should not have that kind of exemption, we feel that it is the PUC. And we are very concerned that in the amendment process, as the Ordinance goes from introduction to enactment, we are very concerned that those types of exemptions not be put into the Ordinance because something like that could undermine all of the positive things are currently in the Ordinance.

So that is in a nutshell where we feel things are in terms of the Ordinance. Again, cautious optimism. Throughout the process, we have tried to engage the broadest cross-section of the community that we can. Our coalition is very broad. We've reached out to others. But we've always said that it is going to be key to have public hearings like this to make sure that we hear from everyone to make sure that we can have the most affected, most legally defensible Ordinance possible. So, we thank you for giving us the opportunity to give these comments and for having this hearing. I'm happy to answer any questions if anyone has any.

Jordanna Thigpen(SBC): I have a comment as well as a question. Some of the concerns that I have are very much like the ones that you've already articulated. The whole self-monitoring possibility is something that I think needs to be addressed very, very publicly, and a statement of problems that that would cause for most of the businesses effective by this. What recommendations do you have for us in order to be able to address that particular problem?

OS: I think the best way to do that is to make sure that everyone has the longer historical and current sense of where we are. I think there is some sense that we have heard in meetings with departments that the issue now is only prime contracts, the private sector engaging in discriminatory activities or exclusion of subcontractors. But I think when you look at the record over the years, when you look at the current state of affairs, it's quite clear, and the board has found this many times in the past, that, in fact, departments do need that kind of oversight that HRC provides in order to make sure that they do not just go about business as usual. And I think the Purchaser in her comments made the same point that departments have a lot of different priorities going on and that if there is not that strong enforcement function by HRC to stop them and to say, "Wait a minute. You've got to remember that these are public dollars at issue and you've got to make sure that his is a fair, full, open process," then that's not going to happen. There's going to be full source contracting, other kinds of ways that departments try and get around the Ordinance that harms not only the minority women and business community, but ultimately taxpayers at large by reducing competition. And I think that's the kind of message that needs to be gotten across as often and as strongly as we can.

MD: (Commissioner Mark Dunlop) Thank you. I guess I wanted to clarify. It seems pretty clear that there's a dilution problem over the last 10 months, and it seems to me that you feel pretty strongly, subject to the self-monitoring issue, that the new legislation will indeed take care of that dilution issue over the temporary emergency measure?

OS: I'm not sure it will take care of it. I mean, frankly, we're very concerned that because of the injunction, because of the limited options that are out there, we're going to see a drop off in MBE WBE participation no matter what we do. We've had a lot of experience with other local entities throughout the State that have tried various different things other than the traditional MBE WBE program. And in most of those cases, no matter what you do, that drop off is going to happen anyway. What we are trying to do, what we are advocating for, is to put in place a program that is as strong as possible. I don't think it's ever going to remedy the problem in the way that 12D did because I think 12D is something that matched what the solution was with what the problem is. We are limited now in that we cannot because of the court injunction do that in quite the same way. So, I think all of us are concerned no matter what we do, we may see that drop off in participation. But hopefully, this current Supervisor Ma's Ordinance is certainly a step up from the Emergency Ordinance which is fully race and gender neutral. So, we're hopeful that that will at least stem the dilution to some degree.

MD: Do you see any glaring oversight in the new legislation?

OS: I think only to the extent that there are large sections that are still left with gaps. The devil is in the details, and until we see the specifics, I think it's hard to comment on that. But I think what is there is about as strong as we can make it. There are certainly some issues that we are still discussing having to do with prompt payment, having to do with the definition of local. I'm sure others will testify to those issues. And I think certainly around those issues, we can advance further. But I think what's there is strong.

KB: (Commissioner Khaldoun A. Baghdadi) I was going to ask you about prompt payment because you did say the devil is in the details. As far as one of the gaps that appears in the legislation, there doesn't appear to be any specific indication as to how prompt payment would be addressed. Could you let us know what the coalition's position is on that issue.

OS: One issue, and this is not something that the coalition has come to consensus on, but I expect we will over the next couple of weeks, but one program that we are very interested in looking at perhaps having San Francisco adopt is what the State of California does, which is to impose penalties on the department, interest payments, that have to be paid to the contractor if payment is not made within that certain period of time. And what that does -- it has a dual effect. It, one, creates that extra incentive for the City, the departments, to make payment within the prompt payment window, and then if it doesn't happen, at least provides some measure of compensation for the contractor. So, I think that is a program that the City should look very seriously at, and is probably the best model that's out for addressing the prompt payment issue.

Commissioner: Two questions. First, do you know what discussions will surround the non-inclusion of the geographic preference within City and the local higher preference? And second, while it is race and gender neutral, the strong guiding principle included in the findings in the beginning does reference the prior MBE and WBE status. So, if the purpose of it is to withstand legal challenge, what is the policy of behind inclusion of that particular sentence?

OS: As to the first issue, when we started the process by throwing out as many suggestions as we could to our members of different programs that might be tried, two of them that we threw out there were geographic preferences within San Francisco. So, you could have a particular neighborhood, for instance, geographically within the City that got an extra bid discount or

preference, or something that gave that extra preference point for local hiring. We still thought that those were ideas that are worth exploring. Ultimately, Supervisor Ma chose not to include them in the Ordinance. I'm not sure of the exact reasons why. We were looking at them more as pilot projects, as something that would not have to happen on every contract, but would be something that the HRC could authorize on a contract-by-contract basis essentially to see what works, because none of us knows where we're going to be in the next 5 years. But I still think and the coalition still thinks that those are issues that could be explored, but they're not currently in the Ordinance.

In terms of your second question, it's a good one which -- why essentially is that language of the findings of MBE WBE discrimination in there; is that going to make it more legally vulnerable? I guess this is really the question. I think the answer is no, that the Courts have been very strong in saying, "Proposition 209 doesn't say and can't say that local governments have their hands tied and cannot address discrimination that's identified against minority and women owned businesses." 209 had said there are certain things you can't do, but has never said, and no Court has ever said, that you have to go to a strictly race and gender neutral program and pretend like the only problem now is the small business program. So, I think it's important to include those findings in there so that people know what the Ordinance is about, but I don't think it's in a way, and I think the City Attorney agrees, that it's going to make it legally vulnerable in any way.

Commissioner: Following up on that point, if I can, then the thought is that by mandating outreach programs for MWBs we won't cross the 209 line, but at the same time, it will hopefully bring more people who are certifiable, to use the word under the DBE program, is it your feeling that that's going to withstand legal scrutiny, and has there been any litigation of outreach programs in other jurisdictions on this point?

OS: There has been although not directly on this point after Proposition 209. There isn't an exact model, but what we do know is what the courts tended to find problematic in the post-209 era about outreach programs or contracting programs or programs that at least in a court's view are giving certain things to MBEs and WBEs and not to other businesses. And what Supervisor Ma's Ordinance does is to very clearly introduce a new definition of OBEs, "Other Businesses", and essentially said, "We're going to require that there's going to be outreach to all business, MBEs, WBEs and OBEs, other businesses." That's a way of still allowing the City to track and monitor. It's not just going to be a small outreach done only to majority owned firms. So, it's sort of walking that line, but in a way that I think is not going to lead to any kind of legal problems based on what the Courts have previously said.

Chair Heinicke: And one final question, at least from me, and I might invite Ms. Little up to come and address this as well since you referenced her earlier discussion of it. This is the issue of oversight. I think I understand the issue, but I just want to make sure I understand it and maybe get Naomi's perspective on it as well. The issue is -- your concern is that if you leave oversight and compliance up to the individual departments, those departments don't view their main charge and complying with small business preferences or however we're going to frame the Ordinance. They view it as getting Pine Street repaved, they view it as getting the Moscone Center built, and they're going to do whatever they can to satisfy that mission. And if some of the other City goals fall by the wayside, well, that's what we hire department heads to do, is to focus on their mission. The concern is that if they're self-monitoring, they're going to push these goals and maybe some other things to the side to focus on their paved road or convention center. Is that the gist of the concern?

OS: That's absolutely right. And I would just add to that that knowledge and expertise of a program to monitor against discrimination, and that's what HRC has, that's what HRC in the City Charter is set up to do, it's not the departments' main mission. So, that has been key to whatever progress has been made in the City over the last couple of decades -- has been not allowing departments to just go about their business, but having that strong independent check from the HRC.

H: But in fairness to the departments, it's not a concern that some department heads are outright racist or sexist and they're going to do this on purpose. It's more of a question of focus and expertise?

OS: That's right. And that's what we have found and there's a lot of social science evidence on that that is the way discrimination and exclusion occurs. It's not always conscious. Sometimes maybe, and we need to guard against that, but often unconscious inaction. But it can lead to the same result. And that's, I think, what we see in the fact that there are continuing disparities even despite 12D.

H: Ms. Little, we've referenced your earlier testimony, which we appreciated for your brevity, but you went over this point, you noted your own personal experience, and now that this issue is raised, we'd love to hear from you on it.

NL: Thank you. I just wanted to agree with Mr. Sellstrum. I don't want to say that it is an overt malice to discriminate through the contracting process. These departments just become overwhelmed with their day-to-day mission, and some of the goals may fall by the wayside. One other point to add is the post-audit process. You only are going to audit a small percentage, usually 2%, maybe in a good year 5%. So, you're not going to really have accurate reading of whether or not the departments are actively complying with the Disadvantaged Business Enterprise. So, in situations where there is actual malice, you may not ever discover it. On the small situations or maybe larger situations, departments don't even know the rules and regs because there are so many rules and regs, so compliance with the program has gone by the wayside. You may never catch it. And that's the problem with the post-audit or the self-compliance program. It lets the enforcement on the front end, everything is caught beforehand and you don't have an opportunity to violate the rules.

H: You're raising a third layer of problems which is interesting which is that not only do you have a situation where there's purposeful discrimination, but not only do we have a second situation where a director or department head is over focused on one task to the exclusion of supplemental City goals, but you have a situation where the director may even be focused on it, but just doesn't know how to do it right.

NL: That's absolutely correct. There's just so many rules, it's just hard to know everything.

H: So, it's like an economy of scale thing. Rather than having 15 or 25 directors trying to do one things, put it all into the HRC director and see what happens.

NL: Exactly.

H: Commissioners, anything for Mr. Sellstrum or Ms. Little? Commissioner Lee?

FL: (Commissioner Faye Woo Lee) When department is found to be non-compliant, is there any kind of way to sanction them, or who has the power to do that?

OS: There have traditionally been ways for the HRC Director to find departments non-compliant and to force hearings before the Board of Supervisors that would have to be attended by the department head to address that issue. I don't know how often that has been done, but sometimes having just the threat of those sanctions can help keep those departments compliant.

Commissioner Richardson: I'm just wanting to follow up on Commissioner Lee's question. I think we're talking about perhaps in the new Ordinance, is that what you were saying, does not yet have the full

teeth? In terms of if in the proposed 14A, is there a difference in terms of HRC's ability to enforce compliance, or is that what you were saying -- there was a gap?

OS: And that's what in the current Ordinance that Supervisor Ma introduced is there's a gap where it just stands in many cases to be filled in later essentially. But we know since we've heard from departments over the last several months that this is what some departments want, this kind of self-monitoring. That's why we raised the concern, because we know it's going to come back in the committee process.

YK: I realize that we're having this conversation about Ordinance and the legal things that we can do, the administrative things we can do, but I also think it's important for our conversation to also include in the long term _____ the culture in the City government at every legal, in which this is a key value about supporting minority and local businesses is a key goal. And once we succeed in having a strongly worded Ordinance to be strongly enforced, I think we also need to talk about whether the cultural shift or cultural conversation that we can do to make that this is a priority that is not done just for administrative cooperation but with the spirit and heart that we intend.

Dr. Rae Richardson(SBC): I want to be very clear. Are you saying this Ordinance still has no teeth?

OS: What we're saying is that we want to make sure that the Ordinance does have the teeth that it needs. The way it was introduced is kind of unusual, I think, for ordinances in that some parts of the Ordinance have the very specific language that you would expect to find in an ordinance, and in other parts because those issues hadn't yet been decided by Supervisor Ma, she just left gaps in the Ordinance that said, "Monitoring and Enforcement to be filled in at the committee process." So, we're concerned that we want to make sure that the teeth that need to be in the Ordinance do get in there. But as of now, we know that the departments are out there trying to push for something different.

H: Thank you very much. For those of you who are interested in this legislation, which I assume is many of you, I would highly recommend the memo sheet that Oren and his group have prepared, sort of comparing their recommendations, but also summarizing Supervisor Ma's Ordinance. It's much more readable than the Ordinance itself and it's very helpful. Is that the extent of our invited speakers? Let me thank our invited speakers. Ms. Little, always a pleasure to see you. Everyone else, Mr. Sellstrum, for coming down today. And I think at this point, in addition to getting a status report on the program and the potential changes in the Ordinance from our invited guests, one of the purposes of this hearing is to get input from our customers, in effect, its citizens. So, with that I think probably turn it over to public comment. Public comment tonight because we want to hear from everybody. We have a stack of cards. It's two minutes a pop and if you've been to one of these meetings before, ask Todd, he'll tell you, I will keep that pretty strict. So, you'll hear a little bell, and we ask that out of deference not only to the Commissioners, but to your fellow citizens, that you stick within your time limit. Director Harmon?

VH: Shahla Davoudi.

SD: Good afternoon. My name is Shahla Davoudi. I am the owner of Elite Reprographics, and I only want to speak about the importance of the Ordinance and importance of certification. I only want to talk about my experience. I know 2 minutes. Don't start it yet till I get to it. Small businesses, as we all know, are very important to the economy of a city, a community, and a whole country. They contribute more than anybody else in the community with their volunteer time, with their money, as little as they have. So, they are very important to our city particularly. And as we all know, we are living in an era of acquisition and mergers. So that makes it even more difficult for small businesses. I am a victim of one good example. I'm competing with a public company which is a result of merger of the last ten years -- they basically own the entire country in my field. They have 90% of the market share in our area. Certification is not a qualification, but it only opens the window of opportunity to ask to be qualified, for us to show that we can also service and we can

also provide products to whomever has that need. I want to talk to you a little bit about the experience that I had as far as a woman owned business. And I start with renting a space for my business which was about ten years ago. I was turned down 11 times in 11 different locations, not knowing why till the last time when I walked in. The owner was about to sign a lease with me and he said, "I'm sorry, lady. Where is the rest of you?" And I looked around and I said, "I thought I brought all of it with me." (Bell) Sorry, I have to finish this two examples. And he said, "Well, do you have a brother?" I said, "No." "Do you have a husband?" I said, "No, sorry." He said, "How about your partner?" "No." I was turned down. And this went on for ten years in my business. So, when we get certified, it's just a knock on the door and they come, they check your prices, they check your qualifications, they check your location, make sure you can compete. You have to be compatible. Two more quick examples?

H: I can't. If I start off that way, and I note that we did bump your card to the top because we know you have to be somewhere.

SD: Because it's my daughter's graduation. And it's so important to me, I decided to come in and make my presentation, then go to the graduation.

H: You're testimony has been heard. Your example is appreciated and understood. And congratulations on your daughter's graduation. Director Harmon?

VH: James Kennedy.

H: Mr. Kennedy, welcome back.

JK: Thank you. It's a pleasure, it's an honor to be in front of the Small Business Commission and the HRC. Just to be quick here. The 12D was definitely a beneficial program. The 14B program is not as strong, but I think it would be useful. My experience with a similar program with the City of Oakland who started their 209 adjustments many years ago was that business did definitely drop off, as referred to earlier, for MBEs and WBEs. So, the 209 has a negative impact that's quite strong and sustaining, unfortunately. I'd like to encourage the City maybe follow Alameda County's example and have a disparity study down, somewhere. Their 2004 disparity study. They have the feeling at least that as a result of the information in that study that they'll be able to have more customized MBE and WBE programs that would stand the 209 legal constraints. Other comments: the good faith provision should be, in my opinion, removed. Primes use that as an escape to not do business with MBEs and WBEs. I point out the precedence in that the City of Sacramento has no good faith provision. It has not stopped primes from finding talent there. They have no primes indicate that they cannot find people in their years that they've had that program in place. Another comment is I like the micro program. That's a good provision. If you keep that, that would be an offset to the dilution effect of the 14A. I want to comment on the controlled insurance program at San Francisco Airport, that Ms. Merriwether talked about. (Bell) We benefited from that. That's a very good provision. I do have to leave, but that's no indication of how important I feel this 14B Ordinance is. Thank you.

H: Thank you. And thank you for saying that. The fact that we've limited it to 2 minutes is precisely important and we want to give everybody a chance to speak. And we appreciate your coming as well as everyone else's.

Dave Sahagun (SBC): Before we proceed, can I ask that as speakers come up, they also introduce the business they represent and where they're located in San Francisco?

H: Absolutely. And we do have that for the record on the cards, but I think it's appropriate that people if they want announce that. The City Attorney will tell us you don't even have to tell us

your name. You're allowed to speak anonymously, but if you want I think the Commissioner makes a good point. Director Harmon.

VH: Robert Wong.

H: Robert Wong? Next card, please.

VH: Can Leung.

H: Can Leung? Okay, next card.

VH: Ellen Lee.

H: Next card.

VH: Samantha Lo.

H: Samantha Lo. Next card.

VH: Giu Lu.////Henry Chang.

HG: Henry Chang from the San Francisco, Asian American Architects and Engineers. As a member of the HRC Advisory Board for nine years, from '89 to '98, I know about MBE and WBE. I can tell you that dilution is natural. In 1988, the Asian American Architects and Engineers dropped from 26% to less than 2% when we were removed from the program. And subsequently, we got back in the next year after following the regulations. To counter this dilution, I suggest that you look into a set-aside program. Set-aside is for SLBEs and micro businesses. And to prevent the preference for racial and gender issues, you can set aside goals for SLBs, for WBEs, MBEs, Other Business Enterprises, which are all small local business. Ethnicity and gender is important as provided in the current proposal. Joint venture is also important for small businesses to get a prime contract. Joint venture provisions as provided by 12D should be put back into the new ordinance. We understand it's problematic for construction contracts, but it has worked for Architects and Engineers. And finally, I want to say that I think our membership would benefit greatly from this proposed 14B program provided the suggestions that I propose today are incorporated into the Ordinance. Thank you.

H: Thank you very much.

VH: Todd Lewis.

H: Todd Lewis is not here? This is the first one of these he's ever missed.

VH: Dick Stevens. Damon Young. Tim Tam. Dana Dominguez. Darren Davis. Diggie Beatly. Richard Parker. Patricia Meager.

PM: Thank you, Mr. Chair, Mr. President, and members of the Commission. My name is Pat Meager and I am here today representing Women Construction Owners and Executives, a nationwide organization of women business owners and executives in the construction industry of which I am a member of the Executive Board. We thank you for the opportunity to speak today about this important City program. I have written remarks. I will give you a few highlights considering the abbreviated time for my oral.

H: Please know that we will take your written remarks and make them part of the record.

PM: Thank you. It should come as no surprise to anyone here today that the number one issue facing small businesses in the construction industry is timely payment. Although California courts have

invalidated the use of pay-to-pay clause and severely limits to use of paid-when-paid clauses, the practice in the industry has not significantly changed. Public entities take a long time to pay their contractors. And general contractors take a long time to pay their subcontractors. Prompt payment is one of the most critical issues facing small businesses. They are far more likely than large businesses to suffer the consequences of slow payment, including the loss of bonding capability and exhaustion of lines of credit. Stop notices and payment bond claims provide some protection against non-payment, but the time and costs associated with perusing these remedies often mean that only the most egregious non-payments are subject to legal action. And these remedies do not address the cash flow problems faces by small businesses in the meantime. WCOE recommends that the HRC and the Small Business Commission take a hard look at what methods are available to assist small businesses in getting timely payment for work performed on public jobs in San Francisco. In this regard, we have three recommendations. I would just briefly mention them here, and they are elaborated in my written comments. First, the current HRC regulation that requires the City (bell) ...

H: You could summarize these three very quickly.

PM: Yes, one sentence each. There's a current provision that requires DBEs to be paid within 30 days of the date of receipt of an invoice. This should be expanded to include things other than an undisputed invoice. That's not where the problem really is in timely payment. It's request for force account work and other things of that nature. Second, the current HRC recommendation or regulation regarding the submission of the subcontractor payment affidavit should be modified so that a prime contractor that filed an incomplete or inaccurate payment affidavit should be penalized or perhaps subjected to a false claims act by the City of San Francisco. And third, HRC regulations should include a provision for the prompt and equitable resolution of claims submitted by DBE contractors to the City agency or especially a DBE subcontractor to a higher chair contractor on a public works project. That's where the real problem lies for small business in terms of prompt payment. Thank you.

H: Thank you, and thank you for your written testimony as well.

VH: Jackie Bisser. Juan Santana.

JS: Good afternoon. Thank you, everybody, for giving us the opportunity to speak here. I'll be very brief. I just want to thank all of you, the City of San Francisco and especially HRC for allowing us the opportunity to provide services. In the past, I've noticed that HRC staff are a little bit small. Now it seems like it's getting a little bit smaller. And I would like to suggest that what we need to do is, in fact, enforce and get them more power because they are the ones that allow us to have a fair and level playing field. I'd also like to suggest that small businesses be allowed to participate in drafting the language of this amendment because, after all, it's supposed to affect us. And we don't have any direct input at this point.

H: Thank you very much.

VH: Chi-Hsin Shao. Oh, here he is.

CS: Mr. Chairman, my name is Chi-Hsin Shao. I have a small transportation consulting business in San Francisco. I'm here to represent Asian American Architects and Engineers. I'm the current President this year. First, I want to thank you for giving us the opportunity for this hearing. And second, to tell you that we have been working very closely with Oren and whatever he presented earlier, we represented our voice and our concerns. And I do have written comments as well I'd like to submit. And I'd like to emphasize just a couple of points. One is the local definition, as Oren presented, and would prefer the local definition to be San Francisco firms only. And the

second one is the joint venture. The joint venture is clause is deleted from the current version. We'd like to have that included. I appreciate the opportunity and I'll submit written comments to staff. Thanks.

H: Thank you very much.

VH: Kindel Young. Gary Gee.

GG: Good afternoon, Commissioners. My name is Gary Gee, Gary Gee Architects. Twenty-one years a small business here in San Francisco. Architectural practice. In general, we endorse, I should say myself as a firm and business owner, endorse the proposed 14B. But there are some other revisions to the current proposal that I'd like to submit and discuss very briefly with you. And also, endorse some of the current provisions of the draft. Number one, the local business definition should be strengthened so that all local firms have their principle offices in San Francisco. Such criteria should be included in the City as main headquarters for place of business. Number two, we support the criteria of growth revenue thresholds for small businesses at $2-1/2 million, which is in the draft right now, and the other gross revenue threshold for micro businesses at $1.25 million. Item three, joint ventures, especially among architects and engineering contracts should be in the 14B Ordinance, as the previous speaker had mentioned, and those provisions should be similar to the previous 12D criteria that we had in the previous ordinance. Joint ventures really represent a major vehicle for small architectural engineering firms to evolve and become prime architects in many of the contracts. Mainly, these joint ventures are training and grooming type contracts that allow smaller businesses to evolve and grow and become large businesses. Number four, the item regarding a 10% preference for small and micro businesses that I do endorse. Item five, the support via we split concept for micro business set asides, which is also a provision that's in 14B. Number six and final, I oppose the San Francisco Public Utility Commission, SF PUC, request to be exempt from the legislation. Thank you. I appreciate your time.

H: Thank you very much. We appreciate yours.

VH: Dennis Wang.

DW: Good afternoon. My name is Dennis Wang and I'm here to represent Asian American Architects and Engineers, and I'm also a family business, AGS, which is a small engineering consulting firm. I'd like to start this by saying a short story. My father really benefited from the MBE Ordinance and he grew from it and graduated from the program several years back. And since then, we have found it very difficult to find business. Also, because of the state of the economy, we shrink. Recently, we recertified under the current Interim DBE. The first job we went after being recertified -- we successfully teamed and won. The couple of points I want to point from my story is, one, we greatly depend on this program and the implementation of this program, and I commend all of you for your effort on this. And second, Commissioner Heinicke pointed out, mentioned, why there was such a low number of DBEs. And I thought about this and as my story said, I think a lot of DBEs had grown from the economy, a lot of DBEs closed shop because of the economy, it's been a bumpy ride. It's especially hard to start a firm during these times, and it's even harder to maintain a business under these times. And it's important to finalize this DBE 14B as early as possible because as the economy grows, there all will be more DBEs ready to apply for this and the rest of us in this room will have more competition. Also, it will be harder to implement this 14B later because there'll be more people under this program to keep happy. So, I highly recommend completing this as quickly as possible. And also, my fellow triple A members have mentioned other points. I have a letter here stating those points so I never have to reiterate them. Thank you for your time.

H: Thank you very much.

VH: Leslie Sakai.

LS: Hi, I'm Leslie Sakai and I'm principle owner of Inspection Services, Inc., which is a construction inspection business at Pier 26 on the Embarcadero in San Francisco. As a recent graduate of the HRC program, I have an interest in supporting efforts to draft an equitable DBE program as proposed in the 14B Ordinance. I support the definition of local, which put responsibility on such firms to provide documentation that 51% of their businesses is based in the City. I agree that the payroll taxes should also be paid to the City. This is important to weed out firms that do not comply with the definition from benefiting from any preferences. I would like to see language added for professional services to include the JV preferences similar to the 12D legislation. This is one way for smaller firms to get recognition for services performed on larger scale jobs, thus enhancing their ability to continue to grow, get established and eventually graduate from the preference, such as my firm has. I urge you to consider the 14B proposed Ordinance with the JV provision, as defined in the 12D legislation. Thank you.

VH: Marlene Wong. Eddie Low. Menchu Chen. Serena Trachta.

ST: Hi. My name is Serena Trachta. I'm an architect here in San Francisco. My partner and I started our small business ten years ago. And I wanted to talk a little bit about the JV component that isn't in the current Ordinance and tell you a little bit about our firm and show that the program does work. We started out, as I said, ten years ago. We were involved in a consulting capacity on the Cecil Williams' Glide Memorial House, and people saw what we had done, and we were brought in to yet another job as a component of the project. We worked on a larger multi-family project. And most recently, we were involved in the North Beach Place Project and were the architects responsible for the seniors' building on Columbus Avenue, 48 affordable senior housing units. So, the program allows our firm to do what we want to do which is build affordable housing in San Francisco. But there traditionally would be no way as small firm would be able to compete on projects of that size. And so, we're going against folks that have big huge firms that have been in business for 20 years. So, we need the requirements to have a JV component to allow us to be involved in those projects. And I think everyone benefits. We benefit, the community benefits, the projects are better for the additional people involved. There's some diversity added to the process. So, I appreciate your time and thank you very much for considering our thoughts.

VH: Ann Williams. Chuck Lowry. Antonio Ruiz.

AR: Good afternoon, Commissioner. My name is Antonio Ruiz of A. Ruiz Construction. My company was founded 28 years ago here in San Francisco. I consider myself one of the original members of the affirmative action. And through the years, I wanted to say, we have thrived and grown, and we've managed to keep a good, strong business here in San Francisco. I believe that the 14B is a good thing. I think it needs to be cleaned up a little bit. I think there are some issues that need to be addressed. I believe that the local business is very important to maintain local business here at 100%, not 51% or 45%. I think that there are a lot of issues that need to be addressed as far as joint ventures. I think that it's really no good for the program. I think that some of the things that tarnish this program in the past is there has been so much ambiguity. And maybe through this new program, I believe we could clean a lot of that stuff as well. Thank you.

H: That you very much, Mr. Ruiz.

VH: Miguel Galarza.

MG: I'm going to just hit some bullet points. Thank you again, Commissioners. Number 1, DBE micro small business, very important. Excellent part of the legislation. Needs to be given serious consideration. Number 2, prompt payment. Extremely important. As micro small businesses

struggle to get paid and as prime contractors get involved in more litigious litigation with the City, it is the small businesses that pay the price. They often do not get paid on work that is undisputed. And the prime contractor ends up not worried about the subcontractor, and there is no need to pay them. So, having a prompt payment clause, if the state can do it, if the feds can do it in 15 days, and the state can do it in 30 days, I would think the City could do it in 30 days. There's payment... Interest payments that incurred that the feds pay, nobody wants to pay those penalties. And obviously, they're overworked. There's very few people doing processing payment. So, it's an issue that needs to be resolved. Number 4, speaking to hub zone preferences. I think it's a good part to understand that the city-built program that's being implemented to involve city people that are in historically under-utilized areas, hub zones, are those same people that need to be brought in and worked and put to work. And that hub zone, a component, would not only get that 35% or 40%, 50% of those people working, but would give a prime contractor a reason to hire them and keep them employed and bring them to other jobs, because they brought them on to fulfill a city-built program, but also to get some benefit and potentially some contract points. Thank you for your consideration.

H: Thank you. Well said.

VH: Paul Lucas.

PL: Hello. My name is Paul Lucas. I'm representing Sun Electric Systems here in San Francisco. I've been an HRC subcontractor since 1990. My main concern has mostly been prompt payment due. There's a young lady who was here earlier and she, I think, really emphasized the need for that issue to be addressed. I had a lot of difficulty in that area. Finishing my work on time or way ahead of time and general contractors having problems with their jobs or their paperwork or getting their money released from the City. I've also heard from different people in HRC that whenever you enter a contract with these contractors, you enter the contract with them and not the City, so the City isn't really responsible to get the subcontractor paid. And it seems that if that's the thinking of everyone, then it seems that the subcontractor has very little importance under that structure. So, what I would like to see is a really big emphasis on that because money is what actually makes any business run. You can't run anything particularly without money in this country. I think that really is one of the main focuses that need addressing. As I said before, I've had a lot of problems in that area, finishing work on time. I just got a check from a job about in April of this. I've been waiting for a whole year and it was because the contractor wasn't able to fulfill his obligations on the job due to the HRC's mandate or wording in their contract with the contractor, the general prime contractor, and they really didn't any say in a significant way of getting me paid until then. Thank you.

H: Thank you very much.

VH: Clement Flores. James Riley. Richard Colderon. Maya Hernandez. Mr. (Phil) Green, E.G. Construction.

JG: Good evening, Commissioner. My name is Phil Green with E.G. Construction. I've been in business since 1996 here in San Francisco. I just wanted to address the issue concerning the bonding program and the line of credit that Merriwether & Williams facilitates. For the past 7 years, we haven't been able to get a line of credit or bonding. And then we heard about the program which the City had through Merriwether & Williams. And they kind of walked us through the program and put us in contact with different bankers who then looked over our paperwork, and with their help, they allowed us to get a line of credit, our very first one. And so, I'm really high on that. We weren't able to get any bonding through them for that particular job, but the relationship we created with them on another project outside of the City, if I may say that, we were able to get bonding because of the relationship that we built going through this program. So, I like the program. I think it's good, I appreciate what they did for us as a small business here. Others have spoken about the prompt payments for contractors. I believe it's stated somewhere that the contractor should pay the subs within 3 days after receiving payment. I'm not sure if it's

ever stated in any of the pre-bid meetings that the City has with the general contractors. But if we are being paid within three days of the general being paid, we could stay afloat. I remember one wise man told me that most construction companies, they don't go out of business because they can't do the work, it's a lack of money. And that's our major issue. So, if we could have the HRC assist us with that, in making sure that the contractors once they get paid, pay their subs, I would appreciate it. Also, there are issues when the general may have issues with the owners unrelated to the subs and again, we have to wait for them to get paid. It's kind of hard on us to maintain what we need to do as far as payroll and insurance and taxes if we're waiting 60, 90 days for payment. Thank you for your time.

VH: Matthew Huey.

MH: Commissioners, my name is Matthew Huey. I have a construction company, MH Construction in the City and County of San Francisco. I am also a member of the Asian American Contractors Organization. And also, I sit on the HRC Advisory Board. I'd just like to tell you the story about what has happened to me during the year. During the past 16 years, I worked on over hundreds of projects, over $50 million worth of work through different agencies in San Francisco. And due to the HRC 12D, I was able to expand my business into engineering construction by joint venturing with another engineering contracting company. The MBE program has provided me opportunities to bid on joint venture projects as a prime, but also as a sub. And venture out to new aspects of construction such as road construction, underground utilities, and parks and zoo projects and such. Our main business is building construction. We are a local contractor and we work with local subcontractors and we purchase local materials from local businesses. So, as a local business, we support our local business certified firms in San Francisco. We try to work with them. To further our goals, we utilize the City's bonding program which has given us larger bonding capacity to bid larger projects and diverse projects such as we just got awarded the West Portal Library. We saved the City $183,000 on that project. The City needs to know the Ordinance addresses discrimination against all local small minority and women's businesses. Issues that we need to identify are local definition which is we should have 51% of the business in the City for administrative and payroll. The bid discount for small and micro business should continue on and provide a 10% bid preference. We also support the set aside for the micro businesses. And most important, we need HRC to support this program. Thank you.

VH: Mr. Javad Mirsaidi.

JM: Hi, my name is Javad Mirsaidi, principle of Synergy Project Management. I just want to express my strong support for the DBE program and also the bond program. That is a win-win situation that creates a pool of contractors, low cost with small overhead which can give very good prices to the City, and the ultimate beneficiary of this program actually is the City because they're going to get very low bids. And in addition, they're going to collect taxes on it. At the end, I appreciate all the efforts of the Virginia Harmon and Nancy. They have been very essential for the benefit of my business. Thank you.

VH: Robert Domingue.

RD: Hello, Commissioners. Robert Domingue of Domingue Trucking. And Mr. Heinicke, Malcolm, you asked a question earlier as to why there's a decrease in participation. And I've spoken as a DBE to a number of members who are used to be DBE certified, and the feelings that they have on it is that they're not getting the support that they need. In other words, they're saying that they're bringing a lot of issues to the HRC and that the HRC for some reason seems to be limited at what they could do about certain issues. Recently, I've experienced a type of discrimination myself at the company. I was told, to forward the information in a letter I sent out and Virginia Harmon supposedly had seen it and felt that my issue was not substantial. It didn't seem that it was a

case of discrimination. And so, I don't know where it is on her desk, if it's being pursued or what have you. But there are a lot of issues that we're having as far as the monitoring of the various companies. We are very thankful that we have the jobs that we have, but there are a number of things that are being done in these companies. For one, companies are not reporting as they should to the HRC the participation that they have from HRC participants. And as far as I know, nothing's being done about that. And so, when other truckers come in to do business, take materials out where HRC certified truckers are supposed to get the work, they are not reporting, so they don't know who's coming in and who's going. (Bell) But we're out there and we get to see them coming and going. So, I'd just like to say we do need the HRC and if we put it back into the hands of the City, that's where it started from and that's why the HRC was implemented. So, if we can get some more monitoring, get some more policing, get some more support, we'd really appreciate it. Thank you.

H: Thank you very much.

VH: Rene Develа. Tien Vo.

TV: Hello, Commissioner. My name is Tien Vo _____. I got a throat problem. I just want to say what he just said, Robert. _____.

VH: Ramona Esquivel.

H: Robert and Oren are the two people who have been _____ what he said.

VH: Gustavo Deleon. Erin Chavez. Sophia Mamhoud. Byron Ling.

BL: Good afternoon, Commissioners. My name is Byron Ling with Bridge Micro. I wanted to suggest that the ordinance give strength in the good faith effort. From my experience right now as a subcontractor, the contract, I think, is for three years. And there is no ... The enforcement of the contract doesn't really kick in until towards the end where they review it to see if there's compliance. I'd like to suggest that, practically speaking, perhaps one thing that could take place is when bids are submitted, it would be reviewed by HRC for DBE goals, compliance, and if that's not there, then it would be considered unacceptable. And the other thing would be to shorten the review and also the consequences on the primes if they do not adhere to the goals, perhaps at mid point rather than at the end of the contract. Thank you.

VH: Julian Lee.

JL: Thanks to the members of the HRC committee. I just want to let you know I strongly endorse the 14B Ordinance and also speaking for the computer industry specifically, we had numbers of violations by the prime contractor, not giving out their 25% of the business to the subcontractor. In fact, numerous of meetings that we had in the last 6 months or so, that finally they suspended one of the prime contractors. I want to add just one thing here. I've been in business for 21 years, loads of business. I don't want to get so-called protections or privilege. I just want to be fair, treated fairly. For the last several years, since the computer store began, the local business has been taken by those prime contractors. We don't even get a chance to compete, let alone get in business. So, what I heard from the last meeting is a lot of departments, even the small business or the DBEs on the list of contractors, we're not allowed to compete for the bid. We talked with other departments. They say, "Oh, your name is not on list." So, we couldn't even compete in the bidding. The thing is the City's various departments, if your name is not on the list, they're only looking for those five prime contractors. We don't even get a chance to compete. I think that's something HRC should look into. At least force the City departments (bell) to have vendors that will be able to compete. Thank you.

VH: Eric Loy. Todd Washington. Steve Ike. Leo Troy. ___ Yu. Dennis Wong. Edmund Tong.

H: Ed, welcome back. Nice to see you.

ET: Thank you to all members of the Human Rights Commission's office. I had previously submitted a letter and I hope that all of you have received it. I will excerpt it. You've heard many persons comment and a significant concern is that there be a strong definition of local business enterprise. If you don't protect the local businesses, you're going to have firms out of Kansas City, Missouri, setting up shop here. Six months requirement, that's it and it will kill the local businesses, much less your minority and women's businesses. Secondly, within the Ordinance example, this is 14B, you have within it that states the City's policy is that you have a prompt payment program. You need to have a process that comes up with regard to prompt payment within your rules and regulations. Thirdly, with regards to our concern, and that is that all City departments be under the rules of 14B. There's a concern that departments will go on their own way. Specifically, I'll give the example with regards to the City's PUC. With their large bond measure, they're going to be having the most amount of money generated especially for small businesses in a variety of fields. My concern with a department, any department, getting to administer their own contracting program is that they have no rules and regulations. The rules and regulations come out of HRC. You have rules and regulations in terms of why you do what you cannot do. You cannot imagine that the DPW project of $4+ million is going to take up the time of general manager Lee. He's going to assign it to an assistant general manager whose going to assign it to someone else down the line. And there's going to be no protection, no rules and regulations that provide what the process is. If I know what the process is, I'll agree to it. That's the concern that I have with regards to a department running their own program. They have no history, they have no regulations that will govern them. Lastly, with regards to how goals are set. I understand fully Proposition 209. I believe that as you market through the diversity tracking system, you see what the results are and that there is MBE, WBE participation. The departments then should be required to set goals that are MBE, WBE, OBE specific. Not eliminated OBE, including them in your goal setting. And that will take care of the demands of 209. But you cannot leave we need to protect them and include them with OBEs. Thank you very much.

H: Thank you, Ed.

VH: Bud Beckele. Avia Parky. Chun Wong.

CW: Good afternoon, everybody. I'm Chun Wong. I've been _____ company, construction company, in San Francisco. I've been in business for about 20-24-25 years. I know that the low on the bonding _____ lots of money to get it approved.

H: Can I ask you to speak into the mike. I'm having trouble hearing you.

CW: Okay. Don't have money. So I have the HRC, they helped me and have the bonding come in and helped me. And I get into the projects, $800,000 something. Also, I had a problem on that, but... Bonding and HRC guys to help me to _____. We have a nice ____ we have a lot of _____ to do the work. So, _____ money. The other projects basic on the calculation might have saved about 8% to 6%, or sometimes it's 10% of the City's money on that. But I get a profit on that. My company goes up. I just have a single person. It's a single _____ company. It's not a corporation or whatever. We have _____ handicap _____ HRC and they helped me to go with that. That's it. I would say thank you to them. Okay.

H: Thank you very much.

VH: Mimu Won. Mehri Ansari.

MA: Good afternoon. My name is Mehri Ansari. I'm the founding principle of Ansari Structural Engineers. Very small structural firm in San Francisco. I'm also representing Iranian American Chamber of Commerce. Generally speaking, we support proposed the Ordinance 14B. Some of the language we'd like to be stronger. Many of the items I was going to talk about have already been spoken about and I don't want to take your time. I just want to emphasize three items. The strongest support satisfied, however, the way that the Ordinance is right now, it says 50% of the work to be done by micro businesses. And I like to see 100% is set aside for small and micro businesses. Actually, these are very small projects. They're only $100,000 projects, plus only 25% of them are certified. So, I'm sure there are enough qualified micro firms and small firms who can provide the services. Obviously, they need to be qualified. There's no question about that. Also, about the definition of principle office. I think, especially when we talk about the small firms, at least more than 51% of the payroll tax should be paid from San Francisco for them to be considered local firms. And lastly, we'd like to see enforcement of the Ordinance. Of course, the future success of this program is that's it being (bell) enforced. I'm going to end right now. That's it. I just want to make sure that there's strong language also against back contracting.

H: Thank you very much.

VH: Melissa Beltran. Jim Riley. Stanley Chan.

SC: Good evening, Commissioners. My name is Stanley Chan, principle owner of Value Fire Protection. We've been certified for about 10 years. And I'm also representing Asian American Contractor Association. In brief, we just want to support Supervisor Ma's Ordinance introduced with the proper placeholder language placed. And also, we'd like to oppose any amendment to exempt the PUC and other agencies or departments from HRC oversight. And also, personally, I'd like to say we benefited from the program, and we'd like to see it continue with strong language in place. We're local businesses and we've got a lot of room to grow, but that's not without hard work because our problem is we got to get more jobs and keep the thing going to maintain a certain edge. But there are a lot of hostile administrators been going on in the City here, a lot of barriers being placed. Prompt payment being one of them and bonding is one of them. But I urge all the Commissioners to see all the artificial barriers so then the MWBE can thrive in this City, not just to get certified one year and disappear the next year. We want to get jobs and, well, so then we can have prompt payments. Anyway, and the local people pay taxes here (bell), also the one putting all these bonds and paying for all the bonds, so they should get their fair share of the jobs. Thank you very much for your time.

H: Thank you very much.

VH: Olivia Chen.

OC: Commissioners, I'm Olivia Chen of Olivia Chen Consultants, our A&E firm. One of the statistics. And I echo all of the testimonials earlier. ___LB and the definition and also the joint venture issues. And I'm here to call your attention to another issue which has not been addressed in the old 12D or the new 14 drafted Ordinance. Using myself as an example, I will go through a little history to give you the background. My firm started in 1994 here. It grew from two principles to over 40 employees by the year 2001. And we gross over $6 million. We're one of the ... I myself am recognized as a poster child HRC. I really do thank you all for the opportunity to grow as a company in this great City. We're very competitive and we deliver high quality services. After we graduated from the program, we're no longer viable as a sub because we don't bring value added to the primes. So, we are no longer competitive in the marketplace because of our competitors... We have 30, 40 people, but we're competing with 3,000 people to 30,000 people companies like URS, Montgomery Watson. And my entire staff is not as big as their marketing department. We always can get short listed because we qualify, we perform. And we got good references. However, we don't have the marketing staff and the speech coach to put our great presentation. As a result, we always barely just get cut out. And in the last few years, because of the economy, all of the big firms coming into San Francisco (bell) even come here on small jobs. So, that is part

of the reason why we dropped from 20% down to nearly 0 on utilization. And how the newly graduated firm can be fostered into growing into a major force, I think that's an issue that needs to be addressed, such as AGS. They shrink back. I don't think that's what you wanted, what the program is intended to do. Thank you very much for the opportunity.

H: Thank you very much for your time.

VH: Sherman Chiu.

SC: Good evening. My name is Sherman Chiu. I'm the principle of Alpha Bay Builders, Inc., a construction contractor in the City for 17 years, and I'm also the President of Asian American Contractors Association. I'm here to express my support for the Coalition of Economic Equity's position on this issue. And I'd like to stress a couple points regarding the Human Rights Commission's role in this new Ordinance. It's been my experience that the departments themselves are often the source of discrimination and difficulty for small minority contractors and small contractors who are not minorities. And I can give you some examples why they should not be allowed to run the program. And one of the difficulties in small contractor phase in working with the City is, for example, they often, the department heads or the people in charge, often put the junior people or inexperienced people in charge of small projects. And as a result, it's increasingly difficult. It's extremely difficult, almost impossible at times, for a small contractor to even finish (?) a project because the City is not doing their part due to the inexperience or incompetent personnel in charge. And when you put down to enforce this new Ordinance, you are going to see the same problems. Another reason they should not be in charge of this new Ordinance or shouldn't be allowed to exempt from the Human Rights Commission oversight is _____ and teach you enforce this Ordinance and procedures in a uniform way. Often, when you work outside the City, other agencies, for examples, the other agencies when they enforce it, there will be a program for the State, there's no uniform application. One contractor can get away with completely ignoring the requirements not submitted any forms and they tend to get the bids accepted. Another contractor will have completed all the requirements, did all the good faith efforts, _____ and just make a minor mistake on the forms and get the bids tossed out. And if you allow the departments to enforce the Ordinance by themselves, you're going to see the same thing happen in the City where you have different departments applying the regulations, the procedures differently and you're going to see favoritism. You're going to see the same contractors get the bids accepted while a different contractor, especially a small minority contractor, would get the bids tossed out and couldn't even get in the door. Thank you very much.

VH: Leah Choy. Yum Jung. Martha Knutzen.

H: That's a name we've heard before. Commissioner, welcome back.

MK: Thank you very much. Good evening, Commissioners. My name is Martha Knutzen and I served on the Human Rights Commission for about almost 8 years, 2 years as its chair. And I came tonight because I want to talk about just the aspect of the Ordinance that has to do with the role of the HRC, and also the qualifications for the staff. I got to watch the HRC implement the MBE WBE Ordinance while it was still that and while we were fighting to make sure that it still existed with the help of the City Attorney. And of course, we all know now we're not able to do that. It has to be DBE ordinance. I can't emphasize enough the importance the staff always plays in implementing this Ordinance, and the particular specialties that the staff here at the HRC has in enforcing that Ordinance. You can't just have contract monitors. You can't just have people who understand the regulations. You have to have people who understand and have a special training in discrimination and the factors that people face, the particular experiences that people face around discrimination. That combined with a trained staff in terms of the complexities of the Ordinance and how to implement it fairly are what makes a truly effective HRC staff person.

When we had to implement the Equal Benefits Ordinance here, which was a very unique and new ordinance for the City, the fact that it was in the HRC, the fact that we had people here who already knew how to do contract compliance and they understood the LGBT community and the issues that the LGBT community had faced around domestic partner were the combined things that made that so effective. It was very effectively implemented. I think we had to go through 10,000 contracts and make sure that the whole City (bell) was in compliance. It's something that stands as a high point and proud achieve of the HRC, the way that we implemented that. And I would say that that was because of the type of staff we have. Now more than ever, let me just finish that way, it's so important for this City to have a strong Human Rights Commission. I don't have to explain to the people in this room what's happening to us on the federal and state level. If San Francisco doesn't have a very strong Human Rights Commission and implement the best strong DBE ordinance, then we don't have anything left. People look to San Francisco, they look to the HRC to be the strong voice for whatever we have left to be innovative. If we don't have a strong and well funded staff, we're not going to be able to do that. So, I urge you to just put forward the strongest ordinance possible even though there's a slight conflict now in terms of departments. Please ask for as much funding as you can for the staff. Thank you.

H: Thank you very much, Commissioner. It's always nice to see you.

VH: Hanson Lee.

H: Mr. Lee, good evening.

HL: Good evening. My name is Hanson Lee. I have a small Hanson Electrical business located in the hub zone. And also, I'm currently Vice President of Asian American Contractors Association. I'm very pleased to see also the Small Business Commission here. What I wanted to emphasize today is working capital, prompt payments. The discrimination, the disparity has everything to do with working capital, especially electrical contractor that's a specialty licensed contractor. Naturally, we're often as a subcontractor. Theoretically, we're often the contract authority says, "We have no contract with them." So they brush us off so easily as a dispute arises. In that light, I strongly recommend maybe Human Rights Commission has a special unit to take care of that because legally they're authority does has such sayings as, "You don't even have to knock on our doors. We have no relationship with you." But small disadvantaged contractors often start as a subcontractor. And specialty contractor winds up as subcontractor, always as a subcontractor. So, when a dispute arises, our payments get held. They're the very last ones. Without working capital and with many, many laws, we are aware that taxes have to be paid. Otherwise you are delinquent. Workers have to be paid. Material has to be paid. But the City has no ordinance. They have to have a punishment that they don't have to pay us sometime. So, I want to urge the Commission to look into prompt payment and see if we can find some language that strongly promotes this regulation of 30 day payment because we live on 30 days. Thirty-one days is not good. It won't do. We will file bankruptcy. Thank you very much.

VH: Rosana Martinez. Charlie Pa.

CP: My name is Charlie Pa. I'm the owner for P & A Construction Company. I support the HRC program. I'm a prime contractor. I got help from Ordinance (?) program so I can increase my _____. And also, I do subcontracting. I got help for that (through the) HRC program. So, I support it, I appreciate it. And thank you for the _____ two programs. Thanks.

VH: Ricardo Ramirez.

RR: Good evening, Commissioners. My name is Ricardo Ramirez. I'm President of Pacific Cement here in San Francisco. I think the community in the City of San Francisco is very fortunate to have the HRC staff representing this community, the minority community and the small business community for many, many years. The staff has endured a tremendous amount of hurdles over the years. They are totally dedicated to their job and to the community. To eliminate them and put

the HRC responsibilities into departments is not good for the City and County of San Francisco or the community. To exempt any department is, in my estimation, impossible. If you do that, the alliances for those departments will be for their particular department, not the people the represent, the small business community. The other issue is -- I think that it is extremely important that the Commission consider strongly that a disparity study is needed. We must never forget or ever believe that discrimination does not exist. It does exist and it will always exist, unfortunately. And if you do a disparity study, please do not forget to do the study on your own departments. It exists in the City departments. You have a tremendous amount of dedication in the staff that the HRC has. Don't loose it. It is very important to the community and the City and County of San Francisco that this staff maintains its position in the representation of the community. It's very important. I think that the elimination or dissolvement or interference with that, it will cause the community a lot of problems, and also the City. So, it's extremely important that the commission strongly considers keeping intact the HRC program and particularly the staff. I have personally been involved with the staff. I've seen them endure a lot of hardships, and they've always represented the community 100%. And I think that it's extremely important that the City maintains that. I thank you for your time.

VH: Raj Sahai.

RS: Thank you, Commissioners. I represent Asian Indian Association. I want to tell you that I came here to San Francisco for a visit in 1971, and I said if I'm going to live in this country, this is the place. San Francisco is really special and it's been a great thing for me. But what I didn't realize, aside from the nice food and different kinds of foods and good weather, that this City is very innovative. And when I got into my practice, I got a chance. And the City's minority business program gave me the chance to be the innovator for the City in Moscone building design in which our work produced a U.S. patent as well as saving the City millions of dollars, and in case of an earthquake, it's going to save tons of millions of dollars. So, that innovative spirit of the City is reflected in all of this thing. And I don't think it's me. It's really the program and the diversity. So, I think that diversity really adds to vitality of the City. And the small businesses is very, very important. We want to support, the Asian Indian Association, wants to support the Ordinance 14B. We support the micro business program and we want to support the set-aside. But we also want to strongly support, which is not there, the JV program in it. And the most important point is that we want a strong Human Rights Commission's department oversight of all the departments. We don't believe this is going to work without it. Thank you.

H: Thank you very much.

VH: Aisha Shariff.

AS: Good evening, Commissioner. My name's Aisha Shariff. I'm public relations manager with Celestial Technology, Inc., otherwise incorporated. We've been around close to 3 years now. The projects that we are looking to do are commercial, industrial, institutional and residential. San Francisco benefits highly from Celestial Technology because we hire workers within the City. We buy materials and also our supplies in the City as well. In addition, I have a son who is now 25 years old and he will continue on with Celestial Electric who knows for how long. Hopefully as long as his father. Without the City's bonding program, contractors such as Celestial Technology would not be allowed to bid, particularly to projects and work in the City. _____ Senior Housing Project has awarded us with close to a million dollars. We have developed positive relationships with the City and County of San Francisco's surety bonds program, which makes it easy for us to apply for other bonds if we need to obtain. We support the Human Rights Commission because they are for the people, and we are the people of San Francisco. Thank you.

VH: Frederick Shumate. Jim Mitchell.

JM: Commissioners, thank you very much for the opportunity to speak this afternoon. My name is Jim Mitchell and I'm the City Vendor responsible for all the photocopying in the City and County of San Francisco, as well as the Workers' Compensation program for MUNI, City of Oakland, City of Richmond, and Oakland Unified School District. I'm also a member of the Human Rights Advisory Committee. But yet instead, my biggest claim is that the four account managers that I had working for me are all former San Francisco welfare to work mothers. That's the thing I'm most proud of. The buzz word this afternoon as far as I'm concerned was "cautious optimism". I went to the Council meeting about two weeks ago and I walked away with two concerns that were reflected here earlier this afternoon. One, we have to have oversight on the implementation of the Ordinance. We have good capable hands a director who has proven that she can handle it time and time again. But the second thing that bothered me, being a former civic teacher because history has a chance to repeat itself. Fifty-one years ago, we heard "Brown v. Kansas," separate but equal. That's what PUC and anybody else is asking for if they're asking to operate outside the boundaries of the new Ordinance. That's all I want to say. Thank you for the opportunity.

VH: David Lau.

DL: Good evening, Commissioner. My name is David Lau. I'm the President of Phoenix Electric Company. I've been in business 7 years in San Francisco and I'm one of the local electrical contractors. I just want to say a few things. I just want to thank HRC for giving me the opportunity to bid on many of the City's contracts. All we do is government contracts. Without the HRC, I wouldn't be here talking with you today. Also, I want to thank the City's Surety Program which helped build my company because without bonding, there's no way for small minority businesses to grow and have the opportunity to bid projects. Without these surety programs, small businesses wouldn't have the financial capacity to bid on these jobs. Luckily, in the last two projects that we had, the City's surety program did help my company (to be) awarded contracts from the City and County of San Francisco. Also, I want to thank the DBE program which has given me the opportunity to bid on the MUNI light rail project, which I've been working on. These are two very important sources: the HRC program and also the City surety bond program. That's all. Thank you.

VH: Olin Webb.

OW: Good evening, Commissioners. My name is Olin Webb and I'm with Remediation Services, Inc., a contracting company. My thing with the Human Rights, I support the Human Rights, but I wish the Human Rights would be broader and look into other issues affirmative action. The federal government has affirmative action. The State doesn't have affirmative action, but yet we go by the State when it says federal law supersedes state law. So how come they can go after us with the marijuana, but they can't go after us with business. They can't help us with business, but they can take the marijuana and say, "We going to use federal law for marijuana, but we're not going to use federal law for affirmative action." You need to look into that. Also, I need you also to look at your DBE program. I've been looking at some of the bids and how they come out. And with the DBE program, I don't see any minorities. All I see is white companies listing each other as DBEs and the Human Rights is letting it go. You need to do some more enforcement on that issue -- the DBE program. I support the bonding program and I support the Human Rights, but I wish the Human Rights would do like we had wanted them to do years ago when you first started -- that's look out for the people, look out for the African American community, look out for the people, and make sure that the people don't get screwed like they're doing. We also have an issue that the Human Rights Commission needs to really, really understand that if laws are made that benefit one particular set of people, then the law is flawed. The laws are made right now to benefit which companies. So, the law is flawed. Any time we have to prove that we are a minority, there's something wrong. You need to start enforcing the laws and looking at the laws and making sure that if it benefits one set of people, then it's flaws. Look into these issues and make it work for the people. Human Rights Commission for the people, not for big businesses. And if you keep supporting big businesses, we're out already. So, I'm asking you to get some kind of commission.

Commissioner, you look into forming some kind of commission to look into the DBE program and look into these programs and see how they are eliminating the minority community.

H: Thank you very much.

VH: Manuel Rodriguez.

MR: Good evening. My name is Manuel Rodriguez. I'm the President of a company called Affinity Resources Company, San Francisco. And I'm a wholesale distributor. I supply the City and County of San Francisco with industrial equipment, product and supplies. One thing I wanted to address was the definition of local business. What I agree with and want to support is the definition of a commercial useful function. I want to support the idea that the definition remains very strict. I don't want large companies to bring sham businesses into the City and blow small businesses out of the water with a competitive advantage and low bids. So, I want to support that. Secondly and lastly, I want to support the definition of primary place or principal place of business. That should remain very strict and conservative because we want to make sure that the bid awards are going to companies that are here in San Francisco and that aren't being funded by companies or sham businesses that are representing larger businesses in, I would say, buddy buddy partnerships because that is going on. So, on technicalities right now of the verbiage of the Human Rights Commission's definition of local business. We want to make sure that that stays the same or even stricter, actually. And that's all I wanted to say. Thank you.

H: Thank you very much.

VH: That's all the cards I have. If there's any other public comment?

H: Is there anyone who wanted to offer public comment who hasn't turned in a yellow card yet?

VH: Do you want to make public comment? OK. Ingrid Merriwether.

IM: Ingrid Merriwether again. Merriwether and Williams. There was actually.

H: You going to gloat all those compliments you got over the past two hours?

IM: I actually have one more thing to state. We asked one of our surety representatives, our program partners, to come and they couldn't make it today. But they did prepare a brief statement that I'd like to quickly read because it addresses two things that have been raised. One has been questions about the frequency of contractors that have used the program, because we do have repetition of contractors that use the program. And the other addresses a proposal to cap the program at a dollar amount of $750,000, a lifetime participation cap -- that once a contractor receives $750,000 in assistance, they would then be barred from utilizing the program for its remaining life. So, kind of in response to that, Eric Fedoras, who is the Vice President of Financial Pacific, one of the surety companies who supports our program, says, "The San Francisco bonding guarantee program is an excellent program that has assisted numerous contractors that may otherwise not have been able to compete in the public works sector. The City and County of San Francisco has further benefited from the fact that their construction contracts have been successfully completed while assisting local and emerging contractors. I believe that it is a mistake to base the level of the program's success merely on how fast contractors can be pushed through the system and out on their own. The business relationship between the surety company, the contractor and agent evolve over time. Their ability to stand alone and work without the assistance of a program takes considerable time. Sureties rely on fiscal year end business financial statements to determine that year's level of surety credit. Interim changes can be made, but are usually minor. It takes several years for the account to stand on its own, depending on the size of contracts they are bidding. Small contracts, although profitable, probably won't return significant profits. As the contractor builds its relationship with the surety, they will begin to move toward larger contracts and larger projects. This is a solid program. It takes time and patience and there are no quick fixes, especially when part of the underwriting criteria is experience based. The program's success should be measured by all that it has accomplished, not how long a contractor remains in the program." So, if I can enter this into ...

H: Where is the proposal? You say there is a proposal. Where is the $750,000 cap proposal?

IM: One version of the legislation that was put forward included the cap.

H: It's not in the current ...?

IM: It is not in the current. My concern, as Oren pointed out, that in committee, some of these things may come back in, and I know that there is an effort by some to cap the program. So, just to reiterate that.

H: Thank you very much. Yes, please do, Ms. (Maria) Cordero.

MC: Thank you very much for lasting this long. We received written testimony from Monroe Personnel Service, L. Elstein. Also written testimony from Octaven Corporation, Pacific Auxiliary Fire Alarm Company, McCall Staffing Services, Enviro Survey, Carmen Brushera of TriCo Construction, Eaton and Associates, Hayden J. Lee Consultants, L.D.A. Architects, Inc., Ybarra Printing, and Convenient Parking, and Reach Communications.

H: Those will all be made part of the record. If there is no further public comment, that will bring us to the end of tonight's meeting. Let me first of all thank my colleagues on the Small Business Commission for their staying power. Very impressive performance by our Commissioners, and of course, our HRC Commissioners. The goal here is to sort of coalesce all of this community input, welcome more community input if you want to submit anything in writing after hearing about the

status of the programs, and then communicate this back to the Commission and then potentially funnel to the Board of Supervisors, both at the Committee Hearings and the full Board Hearings on Supervisor Ma's legislation. So, with that, unless .... The President of Small Business Commissions, yes.

Dave Sahagun: Thank you very much. I'd also like to thank Chairman Heinicke for helping put this together and collaborating with us. Your director, Virginia Harmon and the rest of your staff. And I'd also like to thank our Executive Director Agnes Briones for helping put this together. I look forward to a lot more collaboration in the future. And I was very much enlightened on this program and some of the issues that are occurring. And hopefully, what comes out of it in the future will be good, not only for small business, but for San Francisco as a whole. So, thank you so much.

H: Wonderful, well said. So, with this, this meeting is adjourned. Thank you everyone.

Hearing adjourned at 7:45 p.m.

4. Written Testimony

SUMMARY OF WRITTEN TESTIMONY
SUBMITTED FOR THE JOINT MEETING OF SAN FRANCISCO'S HUMAN RIGHTS COMMISSION AND SMALL BUSINESS COMMISSION
JUNE 9, 2005

1. Written testimony submitted by McCall Staffing Services states that the gross revenue should not take into account the direct, non-controllable cost of goods or services. That the Ordinance should take into consideration the "net profit" of a firm not the "gross revenue" when calculating the economic threshold.
2. The Department of Parking and Traffic submitted written testimony regarding industry specific requirement when bidding on parking management contracts. The Department states that some more established DBEs continuously receive contracts when newly established parking management DBEs are not able to secure contracts.
3. CHS Consulting group written testimony includes something new worth mentioning. The local definition of a firm should be defined where the accounting books and contracts are kept and where "51% or more of the firms staff and principals are based". They also requested that set asides be provided for small businesses as well.
4. Ibarra Printing requested that the bid discount should be 15% because lots of departments offer a bid discount for self certification or being based in San Francisco besides being HRC certified. Mr. Ibarra stated that it is very difficult to compete with large companies when a DBE only actually receives a 5% advantage after the department offers their own based on experience, price, or other incentives that departments offer besides the HRC certification. He feels that some departments do this to circumvent the DBE program goals. He suggested to make the HRC certification bid discount the only discount offered.
5. Several written statements included:
   - Joint-venture participation brought back to the Ordinance;
   - Funding support for the Human Rights Commission as an independent department not funded by work-order;
   - Terminating good faith efforts and expect the prime contractor to meet the goals;
   - Ensure that the Ordinance name is unique and will not be confusing with the State and Federal programs;
   - Increase the commitment to this program to 30% included to L/M/W/DBE instead of 10%.
   - Prompt Payment issue was written in about all testimonies that include a more streamline process and City's accountability to primes and subcontractors.

Written testimony is attached. **(AVAILABLE UPON REQUEST)**

City and County of San Francisco
Human Rights Commission

June 23, 2005

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS
1. Call to Order and Roll Call
2. Circulate General Communications File
3. Public Comment on Items Not on the Agenda
Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Report of the Chair
Discussion Item - No Attachment

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5. Individual Commissioner Reports on Community Activities
Discussion Item - No Attachment

REPORT OF THE DIRECTOR

6. Update on Chapter 14A Hearing. Discussion of staff follow-up activities to prepare report to Board of Supervisors.
Discussion Item - No Attachment

7. Update on the Real I.D. Act of 2005 Hearing. Discussion of follow-up activities to prepare report to Board of Supervisors.
Discussion Item - No Attachment
Present: E. De Guzman

8. Presentation of resolution honoring Victoria Tedder, Fair Housing Awardee 2005
Discussion Item - Attachment provided
Present: E. De Guzman

9. Introduction of HRC Summer Interns
Discussion Item - No Attachment

10. Presentation of resolution honoring Toni Delgado, former Commission Secretary
Discussion Item - Attachment to be provided at meeting
Present: V. Harmon

11. Presentation of resolution honoring Diana Rathbone, former Contract Compliance

Officer
Discussion Item - Attachment to be provided at meeting
Present: V. Harmon

12. Presentation of certificates honoring HRC staff, Brian Thomas and Verma Walton
Discussion Item - Attachments to be provided at meeting
Present: D. Rathbone

REGULAR BUSINESS

13. Commission Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
Discussion Item - No attachment

14. Adjournment

City and County of San Francisco
Human Rights Commission

June 23, 2005

1. Call to Order and Roll Call
Chair Heinicke called the meeting to order at 4:38 p.m.

Commissioners Present
Khaldoun Baghdadi
Cecilia Chung
Malcolm A. Heinicke, Chair
Yoel Kahn
Faye Woo Lee
Sandra Sohcot

Commissioners Excused
Carlota Del Portillo
Mark Dunlop
Pat Norman
Ellouise Patton

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HRC Staff Present
Virginia Harmon, Executive Director, Toni Delgado, Commission Secretary, Larry Brinkin, Maria Cordero, Emil De Guzman, Selormey Dzikunu, Cynthia Goldstein, Ed Ilumin, Zula Jones, Veronica Ng, Diana Rathbone, Carla Vaughn, Brian Thomas, Verma Walton, and Mindy Lee

Guests Present
Nan Su (Falun Gong Organization), Roberta Gabino (SF Resident and Carpenter)

A quorum was present.

2. Circulate General Communications File

A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

Nan Su came to follow up on Falun Gong's discrimination investigation with the Chinese Chamber of Commerce regarding the Chinese New Year Parade. They received a letter from Carolyn Hom dated March 28 to which they responded in May.

Chair Heinicke assured Mr. Su that this complaint has been assigned. Director Harmon confirmed that this complaint is under investigation.

Roberta Gabino, a resident and carpenter, worked for Webcorp Corporation two years ago. Ms. Gabino stated that she was not allowed to work after a hand injury that she got while on the job but was asked to be at work to "stand and look beautiful." To her dismay, she was not rehired after her hand surgery.

Per Chair Heinicke's suggestion, Cynthia Goldstein provided Ms. Gabino with a card to

provide her information should she wish to pursue a formal complaint.

Another woman who identified herself as a carpenter noted that Webcorp does not hire City residents despite repeated complaints to First Source Hiring Administration. She believes that Webcorp is discriminating and not hiring women of color or women in general.

Commissioner Kahn asked her to explain the law that she referenced in her remarks. She explained that Section 83.9B3 of the First Source Hiring Code and Section 83.4U are retention goals meant to retain City residents, not to train, and to actually have the goal to make individuals become carpenters.

4. Report of the Chair

Chair Heinicke wanted to brief the Commission and the public on the issue of the 49ers Training video that the Mayor has asked the agency to respond to. There have been two community meetings with the 49ers.

Commissioner Kahn participated in a well-attended meeting at the LGBT Community Center joined by Mr.York, his staff and the person responsible for making the video. Commissioner Kahn pointed out that Mr. York and the 49ers could not have been more contrite and apologetic, promising to do the right thing. Commissioner Kahn stressed that there are certain contractual obligations that the 49ers have to the City and the community and that as a leadership agency in the community, they should recognize the kind of culture they create and participate in. He hopes the outcome of this models a culture of tolerance and respect for diversity within their organization and the community.

Commissioners Chung and Lee participated in a well-attended meeting in Chinatown. The shocked and outraged Asian community is not satisfied with just apologies. Commissioner Chung pointed out that Dr. York was apologetic and stated that he will be partnering with the Human Rights Commission. The Chinese American Citizens Alliance offered their suggestions to correct the issue.

Commissioner Lee stated that the meeting was about communities coming together to speak about the betrayal they felt from the video. The community is waiting for well concrete plans from the 49ers and sees this as an opportunity to educate the world of athletes respecting diversity.

Commissioner Heinicke stated that this is an important issue to address because the 49ers are professional football players and role models to young minds. Director Harmon and Larry Brinkin met with Ed Goines, the 49ers lawyer. Mr. Goines agreed to send the HRC the 49ers policy and organizational structures and agreed to have the HRC make recommendations and action plans for them. Director Harmon proposed that HRC Staff develop a proposed action plan with input from the Commission and get back to the 49ers as quickly as possible.

Commissioner Heinicke thanked Commissioners Kahn, Chung and Lee for their leadership.

There was no public comment on this item.

5. Individual Commissioner Reports on Community Activities

Director Harmon stated that the Pride Day Parade is Sunday, June 26. The LGBT Committee will have a booth located at Golden Gate and Hyde Streets with HRC fact

sheets and information. They will ask people to sign petitions AB1400, which is the sexual orientation and protective categories and AB1586 which will prohibits insurance providers from discriminating on the basis of a person's gender identity.

Commissioner Chung added that the HRC booth is going to be housed within the first ever transgender pavilion. She noted that there would be many talented transgender groups and speakers and reminded that the second annual transgender march will be Friday, June 24 and begin at 7:30pm at Dolores Park and end by the Asian Arts Museum. She invited everyone to attend.

There was no public comment on this item.

Commissioner Heinicke announced that there would be no Commission meetings on July 14 and August 11.

6. Upadate on Chapter 14A Hearing

Director Harmon stated that transcripts have been prepared and Staff is reviewing them and summarizing community recommendations. They will prepare a report on the availability of MBEs, WBEs, LBEs and DBEs and utilization.

Commissioner Heinicke asked if the report being prepared was only an objective of what was said at the Hearing. Director Harmon agreed. Commissioner Heinicke suggested that HRC focus on reporting what was said at the Hearing. Director Harmon suggested that the DBE Committee review the report before it's released. Commissioner Heinicke asked Commissioners Baghdadi and Kahn to review and circulate the report to the entire Commission before being heard at the Board of Supervisor under a letter from the Director.

Commissioner Sohcot suggested the report be circulated to the Small Business Commission Director for comments. Commissioner Heinicke agreed. Commissioner Heinicke stated that it would be a good idea if the report reached the Board by their next Rules Committee meeting.

7. Update on the Real I.D. Act of 2005 Hearing

Emil De Guzman stated that he was not at the Public Hearing held on May 26, 2005. Mr. De Guzman pointed out that after that particular Hearing, the HRC Issues Committee formed a work group to carry on the suggestions from that hearing. A meeting was held, joined by Commissioner Sohcot and Issues Committee members Jane Fleming and Scott Mossman. The group will produce a hearing summary and recommendation. The Immigrant Rights Commission, the hearing cosponsor, will attend their next meeting on July 19. The Committee intends to have the summary done by September.

Commissioner Sohcot stated the Committee will be taking the four most important areas most controversial of the Real I.D. Act and summarize the ramifications and recommendations. Commissioner Heinicke urged the group to include the Lawyers for Civil Rights in the process. Mr. De Guzman stated that he has already called Maria Blanco, Executive Director.

Commissioner Chung pointed out that there was no representative from the transgender community. She noted that since the public hearing, the Transgender Law Center and the National Center for the Transgender Equality have issued a joint advisory to discuss the negative impact of the Real I.D. Act on the transgender community. Commissioner Chung wants the transgender advocacy group to get

involved with the Issues Committee working group. Commissioner Sohcot stated that they could attend the next planning session.

There was no public comment on this item.

8. Presentation of resolution honoring Victoria Tedder, Fair Housing Awardee 2005

Emil De Guzman introduced Ms. Victoria Tedder, a housing advocate for the Independent Resource Center since 1993. Ms. Tedder was a tenant counselor since the 1980's and a member of the Fair Housing Coalition. Mr. De Guzman presented the award to Ms. Tedder on behalf of HRC.

Ms. Tedder thanked the Independent Resource Center, her friends, and her mom for giving her the opportunity to do the work that she does.

9. Introduction of HRC Summer Interns

Per Director Harmon, the interns introduced themselves. Chris Morales from Sacramento attends McGeorge Law School and works in the LGBT Division. Andrea Faz attends UC Davis Law School and works in the LGBT Division. Katia Savchuk attends Harvard and works with the DBE Unit and the Issues Committee. Commissioner Heinicke welcomed the interns. Employment Division intern, Cathy Luong, was not able to attend.

10. Presentation of resolution honoring Toni Delgado, former Commission Secretary

Director Harmon presented a resolution to Toni Delgado in recognition of her service to the HRC. Commissioner Chung has enjoyed working with Toni for her energy and dedication. Commissioner Lee wished Toni the best of luck. Commissioner Sohcot appreciated her help. If ever Commissioner Baghdadi had questions, Toni was always there with answers--she will be missed. Commissioner Kahn seconded all praises made. Commissioner Heinicke stated that she had made his job fun and takes the job a little less seriously. He complemented and encouraged Ms. Delgado to continue exploring her public speaking talent.

Ms. Delgado stated that it has been a pleasure and an honor to work with the Commission and Staff. Her years at the Commission have changed her personally and professionally. She pointed out that she walks away from HRC with knowledge and a good wealth of experience, but most of all with good friends.

11 & 12 Presentation of resolution honoring Diana Rathbone, former Contract Compliance Officer; Presentation of certificates honoring HRC staff, Brian Thomas and Verma Walton

Director Harmon recognized and thanked the work that Diana Rathbone, Brian Thomas and Verma Walton have done in representing HRC in employment placement on PUC projects. Ms. Harmon stated that they have done a tremendous job in making the program a success and pointed out that 147 people have been placed.

Commissioner Heinicke thanked Mr. Thomas and Ms. Walton for their significant advancement to the program and encouraged them to keep going. Diana Rathbone presented them with certificates for their great work.

Mr. Thomas thanked the Commission Ms. Rathbone for the opportunity to working for

a great team. He stated that Ms. Rathbone had a vision and went about it to win.

Ms. Walton thanked Ms. Rathbone, Director Harmon, staff and the Commission for giving her the opportunity to work with the community and praised the wonderful work HRC is doing.

Commissioner Heinicke presented Ms. Rathbone a certificate for her wonderful work at HRC and Director Harmon wished her well on behalf of staff.

13. Commission discussion of matters of interest for possible inclusion of future Agenda items.

There were no matters for discussion.

14. Adjournment

Director Harmon announced that there was cake to celebrate the people recognized at this meeting.

Commissioner Chung invited everyone to a media party to kick off SF Pride Celebration at Bambuddeh Lounge on Eddy and Larkin Street.

There being no further business, the meeting was adjourned at 5:50 p.m.

**NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission

City and County of San Francisco
Human Rights Commission

July 14, 2005 (Canceled)

CANCELED

Regular Meeting

Thursday, July 14, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

CANCELED

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Attention!

The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:

July 28, 2005
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

City and County of San Francisco
Human Rights Commission

July 28, 2005

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS
1. Call to Order and Roll Call
2. Circulate General Communications File
3. Public Comment on Items Not on the Agenda
Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

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4. Approval of minutes of Commission Meeting of May 26, 2005
Action Item - Attachment to be provided at meeting
Present: M. Lee

5. Approval of minutes of Commission Meeting of June 9, 2005
Action Item - Attachment to be provided at meeting
Present: M. Lee

6. Approval of minutes of Commission Meeting of June 23, 2004
Action Item - Attachment to be provided at meeting
Present: M. Lee

REPORT OF THE CHAIR

7. Report of the Chair
Discussion Item - No Attachment

8. Individual Commissioner Reports on Community Activities
Discussion Item - No Attachment

REPORT OF THE DIRECTOR

9. Update on Chapter 14B Legislative Process
Action Item - Attachment to be provided at meeting

10. Update on Real ID Hearing Recommendations

Discussion Item - No Attachment
Present: E. De Guzman

11. Presentation of Chapter 14A Waiver Report for April, May, and June 2005
Discussion Item - Attachments provided
Present: M. Kanios

COMMITTEE REPORTS

12. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of July 19, 2005 Meeting
Commissioner Cecilia Chung, Co-Chair
Commissioner Pat Norman, Co-Chair
Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
Discussion Item - No Attachment

13. Issues Committee: Report of June 8, 2005 Meeting
Discussion Item - No Attachment
Commissioner Carlota del Portillo, Co-Chair
Commissioner Ellouise Patton, Co-Chair
Commissioner Sandra E. Sohcot, Co-Chair
Committee Staff: Emil De Guzman, Melinda Kanios, Carmen Smith
Discussion Item - No Attachment

14. Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of August 20, 2005 Meeting
Commissioner Khaldoun Baghdadi, Co-Chair
Commissioner Yoel Kahn, Co-Chair
Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong
Discussion Item - No Attachment

REGULAR BUSINESS

15. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
Discussion Item - No Attachment

16. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures
The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at HRC Meetings and to write letters to the HRC and to its members: 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. Agendas are available on the internet at www.sfhrc.org. THE AGENDA PACKET IS AVAILABLE AT THE HRC MAIN OFFICE, 25 VAN NESS AVENUE, SUITE 800, RECEPTION DESK. Requests for language translation at a meeting must be received no later than noon the Friday

before the meeting. Contact the Commission Secretary at 415-252-2500.

Disability access
The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2-500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance
Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

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City and County of San Francisco
Human Rights Commission

July 28, 2005

1. Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:44 p.m.

HRC Staff Present

Virginia Harmon, Executive Director, Mindy Lee, Maria Cordero, Emil DeGuzman, Selormey Dzikunu, Cynthia Goldstein, Melinda Kanios, and Veronica Ng

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A quorum was not present.

2. Circulate General Communications File

A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

None

Approval of the Minutes

4. Approval of minutes of Commission Meeting of May 26, 2005

Lacking a quorum, no action was taken on this item.

5. Approval of minutes of Commission Meeting of June 9, 2005

Lacking a quorum, no action was taken on this item.

6. Approval of minutes of Commission Meeting of June 23, 2005

Lacking a quorum, no action was taken on this item.

7. Report of the Chair

Chair Heinicke was informed by the Mayor's Office that the Commission lacks a Vice-Chair. He pointed out that Commissioner Baghdadi is the next senior Commissioner. He asked that the matter be agendized, discussed, and voted on at the next Commission meeting.

There was no public comment on this item.

8. Individual Commissioner Reports on Community Activities

Commissioner Lee reported that the Asian community is upset that Wild 94.4 Radio hired Rick Delgado as their morning show producer. Mr. Delgado wrote the racial paradox mocking the tsunami victims in New York and was fired from NYC's Hot 97 as a result of it. Tim Bryant, Wild 94.4 Manager, assured the community that Mr. Delgado would only be working on program development and will not do any broadcasting nor songwriting. The community will be watching.

There was no public comment on this item.

Report of the Director

9. Update on Chapter 14B Legislative Process

Director Harmon reminded the Commission that the Board of Supervisor Rules Committee meeting will be held on August 3rd and 10th, both at 10:00am. Staff is notifying HRC certified firms. Director Harmon stated that copies of the summaries of the June 9th hearing were sent to the Rules Committee and Staff has prepared a summary of the proposed Ordinance.

The proposed Ordinance is a two-tiered program for certified small and micro local businesses. It provides discounts and mandatory subcontracting opportunities for certified businesses on City contracts. It also provides for a non-discrimination program which will be predominantly complaint-driven. HRC will, for every contract identified availability of MBEs, WBEs and OBEs, monitor whether prime contractors list sub contractors to the extent that they are available, however, a failure to list MBE, WBE, and/or OBE sub contractors and they are available will not be a basis for rejecting a bid, but it may provide the City evidence of discrimination particularly if a contractor has a pattern/practice of excluding firms of particular ethnicities.

A unique aspect of this proposed Ordinance is the public set aside project which would allow contracts valued at $100,000 or less to be set aside for competitive award to Micro-LBEs only.

The prompt payment provision requires that within 6 months of the effective date of the ordinance, the City shall design and implement a prompt payment program that will include a procedure for the payment of late penalties where prompt payment does not occur. Supervisor Ma would like to conduct a best practices review of prompt payment procedures.

Director Harmon reported on a meeting with Chief Administrative Officer Ed Lee, and the Directors and Commissioners from the Commission on the Status of Women and Immigrant Rights Commission to discuss recommendations for the 49ers. The recommendations will be incorporated into the diversity plan that HRC is developing. Mr. Lee suggested gathering input from community groups. Director Harmon, Larry Brinkin, HRC Staff, and Mr. Lee will meet with Ed Goines, General Counsel for the 49ers.

0. Update on Real ID Hearing Recommendations

Emil De Guzman summarized a meeting held on July 19th. He explained that the most controversial of the provision are the waivers giving the Secretary of Homeland Security broad powers and the authority to overrule Federal environmental, health, and safety laws.

The working group will meet again the end of August.

Commissioner Baghdadi mentioned that the American Arab Anti Discrimination Committee has a legal referral panel set up for immigration issues and they've sponsored Know Your Rights workshop.

There was no public comment on this item.

11. Presentation of Chapter 14A Waiver Reports for April, May and June 2005

Melinda Kanios presented the reports to the Commissioners.

There was no public comment on this item.

12. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of July 19, 2005 Meeting

Commissioner Chung reported that the Committee conducted training on HIV discrimination on the differences on state laws and City provisions on protection and people living with AIDS. Hadas Rivera-Weiss and Yong Lee gave the training.

Commissioner Chung reported that the Pride Parade was successful and thanked the Commissioners for volunteering at the booth.

Commissioner Chung stated that the Committee has formed a working group to examine and explore internal issues such as racism that may exist within the Committee.

The Committee is also working on recruitment and outreach.

Commissioner Lee had a great time at the Pride Parade.

Chair Heinicke mentioned that Commissioner Dunlop had expressed an interest to be assigned to a Committee to discuss issues on racism within the LGBT community.

There was no public comment on this item.

13. Issues Committee: Report of June 8, 2005 Meeting

Emil De Guzman summarized the Committee's meeting. One of the main features of the meeting was staff orientation on denial of public housing and Section 8 to ex felons and their families. They will hold a forum on September 14th with housing authorities and the Public Defender's Office.

They are working on a staff report on the update of the statistical data collection. They are also planning a retreat.

There was no public comment on this item.

14. Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of July 20, 2005 Meeting

Selormey Dzikunu summarized the meeting. It included a briefing on the new, draft 14B Ordinance. Members were encouraged to attend and support the upcoming Rules Committee hearing in August. The EO Unit is notifying HRC certified firms of the hearing.

Commissioner Baghdadi mentioned there is concern about the prompt payment issue.

The committee will be actively recruiting in the near future.

There was no public comment on this item.

Regular Business

15. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items

Chair Heinicke announced that the next Commission meeting is on Thursday, August 25, 2005.

There were no matters for discussion.

16. Adjournment

There being no further business, the meeting was adjourned at 5:26 p.m.

NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary.

City and County of San Francisco
Human Rights Commission

August 11, 2005 (Canceled)

CANCELED

Regular Meeting

Thursday, August 11, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

CANCELED

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Attention!

The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:

August 25, 2005
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

City and County of San Francisco
Human Rights Commission

August 25, 2005

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS
1. Call to Order and Roll Call
2. Circulate General Communications File
3. Public Comment on Items Not on the Agenda
Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of Minutes of Commission Meeting of May 26, 2005
Action Item - Attachment provided
Present: C. Vaughn

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5. Approval of Minutes of Commission Meeting of June 9, 2005
Action Item - Attachment provided
Present: C. Vaughn

6. Approval of Minutes of Commission Meeting of June 23, 2005
Action Item - Attachment provided
Present: C. Vaughn

7. Approval of Minutes of Commission Meeting of July 28, 2005
Action Item - Attachment provided
Present: C. Vaughn

REPORT OF THE CHAIR

8. Report of the Chair
Discussion Item - No Attachment

9. Election of a Vice-Chair for the Commission
Action Item - No Attachment

10. Individual Commissioner Reports on Community Activities
Discussion Item - No Attachment

REPORT OF THE DIRECTOR

11. Update on Chapter 14B Local Business Enterprise Legislative Process
Discussion Item - No Attachment

12. Presentation of Chapter 14A Waiver Report for July 2005
Discussion Item - Attachment provided
Present: M. Kanios

13. Approval of HRC Resolution Honoring the Services of Finbarr Jewell
Action Item - Attachment provided

14. Approval of HRC Resolution Honoring the Services of Mindy Lee
Action Item - Attachment provided

15. Approval of HRC Resolution Honoring the Services of Lydia Lozada
Action Item - Attachment to be provided at meeting

COMMITTEE REPORTS

16. Employment Committee: Report of August 4, 2005 Meeting
Commissioner Fay Woo Lee, Co-Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
Discussion Item - No Attachment

17. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of August 16, 2005 Meeting
Commissioner Cecilia Chung, Co-Chair
Commissioner Mark Dunlop, Co-Chair
Commissioner Pat Norman, Co-Chair
Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
Discussion Item - No Attachment

18. Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of August 17, 2005 Meeting
Commissioner Khaldoun Baghdadi, Co-Chair
Commissioner Yoel Kahn, Co-Chair
Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong
Discussion Item - No Attachment

REGULAR BUSINESS

19. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
Discussion Item - No Attachment

20. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

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v

City and County of San Francisco
Human Rights Commission

September 8, 2005

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Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. **Call to Order and Roll Call**
2. **Circulate General Communications File**
3. **Public Comment on Items Not on the Agenda**
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. **Approval of Minutes of Commission Meeting of August 25, 2005**
   Action Item - Attachment to be provided
   Present: C. Vaughn

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REPORT OF THE CHAIR

5. **Report of the Chair**
   Discussion Item - No Attachment

6. **Individual Commissioner Reports on Community Activities**
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

7. **Update on Chapter 14B Local Business Enterprise Legislative Process**
   Discussion Item - No Attachment

8. **Presentation of Chapter 14A Waiver Report for August 2005**
Discussion Item -Attachment to be provided
Present: M. Kanios

9. **Report on the Opening of the I Hotel**
Discussion Item - No Attachment
Present: F. Anderson

10. **Update on the Real ID Act Subcommittee**
Discussion Item - No Attachment
Present: E. DeGuzman

11. **Approval of HRC Resolution honoring the life of Harvey Wong, Past HRC Commissioner**
Action Item - Attachment to be provided

12. **Update on San Francisco 49ers Complaint; Process for Resolution**
Discussion Item - No Attachment
Present: L. Brinkin

DIVISION REPORT

13. **Lesbian Gay Bisexual Transgender & HIV (LGBTH) Division: Homophobia in Sports**
Discussion Item - No Attachment
Present: Helen Carroll, The National Center for Lesbian Rights

COMMITTEE REPORT

14. **Employment Advisory Committee: Approval of Letter to the Department of Human Resources re: Disclosure of Felony Convictions on the Application for Employment with the City and County of San Francisco**
Commissioner Fay Woo Lee, Co-Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
Action Item - Attachment Provided
Present: K. Hypolite

REGULAR BUSINESS

14. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
This item is designed to allow Commissioners to raise

issues they believe the Commission should address at future meetings. There will be no discussion of these items at this time.

15. Adjournment

ITEMS DESIGNATED BY "CC" SHALL AUTOMATICALLY BE APPROVED, UNLESS A REQUEST FOR REMOVAL FOR DISCUSSION OR EXPLANATION IS RECEIVED FROM THE AUDIENCE, COMMISSION OR COMMISSION STAFF.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, September 22, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Malcolm A. Heinicke, *Chair*
Khaldoun A. Baghdadi, *Vice Chair*
Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Sandra E. Sohcot
Ellouise Patton

Virginia M. Harmon, *Director*

HRC CALENDAR October/November 2005

October 6
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 12
Issues Advisory Committee Meeting
CANCELLED

October 13
HRC Regular Commission Meeting
CANCELLED

October 18
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 19
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 27
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

November 3
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 9
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 10
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

November 15
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 16
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 24
HRC Regular Commission Meeting
CANCELLED

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ORDER OF BUSINESS

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APPROVAL OF MINUTES

4. Approval of Minutes of Commission Meeting of September 8, 2005
   Action Item - Attachment to be provided
   Present: C. Vaughn

REPORT OF THE CHAIR

5. Report of the Chair
   Discussion Item - No attachment

6. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

7. Approval of HRC Resolution Commending the Honorable Thelton E. Henderson, Senior United States District Judge, Northern District of California
   Action Item - Attachment to be provided

REPORT OF THE DIRECTOR

8. Update on Chapter 14B Local Business Enterprise Legislative Process
   Discussion Item - No attachment

9. Presentation of Proposed San Francisco Human Rights Ordinance
   Discussion Item - No attachment
   Present: Women's Institute for Leadership Development for Human Rights (WILD)

DIVISION REPORT

10. **Lesbian Gay Bisexual Transgender & HIV (LGBTH) Division**
Presentation: Homophobia in Sports
Discussion Item - No attachment
Present: Helen Carroll, The National Center for Lesbian Rights

COMMITTEE REPORT

11. **Issues Advisory Committee**
Report of September 14, 2005 Meeting
Commissioner Ellouise Patton
Commissioner Sandra Sohcot
Committee Staff: Emil De Guzman, Melinda Kanios, Carmen Smith
Discussion Item - No attachment

12. **Lesbian Gay Bisexual Transgender Advisory Committee**
Report of September 20, 2005 Meeting
Commissioner Cecilia Chung
Commissioner Mark Dunlop
Commission Pat Norman
Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
Discussion Item - No attachment

13. **Disadvantaged Business Enterprise Advisory Committee**
Report of September 21, 2005 Meeting
Commissioner Khaldoun Baghdadi
Commissioner Yoel Kahn
Committee Staff: James Fields, Bayard Fong, Selormey Dzikunu
Discussion Item - No attachment

REGULAR BUSINESS

14. **Follow-Up Discussion on Felony Convictions and Civil Service Applications**
Possible Action Item - No attachment
Present: K. Hypolite

15. **Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items**
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items at this time.

14. **Adjournment**

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City and County of San Francisco
Human Rights Commission

October 13, 2005 (Canceled)

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HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, October 27, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*
Khaldoun A. Baghdadi, *Vice Chair*
Cecilia Chung
Carlota del Portillo
Mark Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Sandra E. Sohcot
Ellouise Patton

Virginia M. Harmon, *Director*

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For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.sfhrc.org

HRC CALENDAR November/December 2005

November 3
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 9
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 10
HRC Regular Commission Meeting
4:30pm
1 Dr. Carlton B. Goodlett Place
City Hall, Room 416

November 15
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 16
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 24
HRC Regular Commission Meeting
CANCELLED

December 1
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 14
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 8
HRC Regular Commission Meeting
CANCELLED

December 20
LGBT Advisory Committee Meeting
CANCELLED

December 21
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 22
HRC Regular Commission Meeting
CANCELLED

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ORDER OF BUSINESS

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3. Public Comment on Items Not on the Agenda
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APPROVAL OF MINUTES

4. Approval of Minutes of Commission Meeting of September 8, 2005
   Action Item - Attachment to be provided
   Present: C. Vaughn

5. Approval of Minutes of Commission Meeting of September 22, 2005
   Action Item - Attachment to be provided
   Present: C. Vaughn

REPORT OF THE CHAIR

6. Report of the Chair
   Discussion Item - No attachment

7. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

8. Update on Chapter 14B Local Business Enterprise Legislative Process
   Discussion Item - No attachment

9. Presentation of Chapter 14A Waiver Report for September 2005
   Discussion Item - Attachment provided
   Present: J. Fields

10. Update on San Francisco 49ers Complaint
    Discussion Item - No attachment
    Present: L. Brinkin

11. Information on the California Association of Human Relations Organizations (CAHRO) Conference in January 2006
Discussion Item - No attachment
Present: L. Brinkin

REGULAR BUSINESS

12. Follow-Up on Felony Convictions and Civil Service Applications
Action Item - No attachment
Present: K. Hypolite

COMMITTEE REPORTS

13. Employment Committee: Report of October 6, 2005 Meeting
Commissioner Faye Woo Lee
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
Action Item - No attachment

14. Lesbian Gay Bisexual Transgender Advisory Committee: Report of October 18, 2005 Meeting
Commissioner Cecilia Chung
Commissioner Mark Dunlop
Commissioner Pat Norman
Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
Discussion Item - No attachment

15. Disadvantaged Business Enterprise Advisory Committee: Report of October 19, 2005 Meeting
Commissioner Khaldoun Baghdadi
Commissioner Yoel Kahn
Committee Staff: James Fields, Bayard Fong, Selormey Dzikunu
Discussion Item - No attachment

16. Issues Advisory Committee: Report of October 20, 2005 Meeting
Commissioner Elloise Patton
Commissioner Sandra Sohcot
Committee Staff: Emil DeGuzman, Melinda Kanios, Carmen Smith
Discussion Item - No attachment

17. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items at this time.

18. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

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City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

MEMORANDUM

TO: Chair, Malcolm A. Heinicke and Members of the Human Rights Commission

FROM: James F. Fields
Senior Contract Compliance Officer

DATE: October 11, 2005

SUBJECT: Chapter 14.A Waiver Report

Per your request please find waivers reviewed through September 2005.

No.1 Sole Source, Granted: San Francisco Police Department (SFPD) requested a sole source waiver for Identix, Inc. to replace six Live Scan machines that are used to input finger and palm prints in the American Fingerprint Identification System. This waiver was granted because existing Live Scan machines and equipment including the hardware and software are proprietary products. $40,851.00.

No.2 Sole Source, Granted: San Francisco Public Utilities Commission (SFPUC) requested a sole source waiver for Electric Power Research Institute (EPRI) to conduct a study to examine the device design, performance analysis, sites, cost estimates and important permitting issues that could be involved in implementing a possible future tidal energy project. This waiver was granted because the technology is new and unproven and there are no other parties that can provide these services. $15,000.00.

No. 3 Sole Source, Granted: SFPUC requested a sole source waiver for EPRI. This waiver was granted because SFPUC is developing a formal risk management program, including policies and procedures, to monitor, report and mitigate energy and financial risk exposures of the power portfolio of its Hetch Hetchy Water and Power division. This waiver was granted because EPRI is the sole source provider of training and support services and use of EPRI Energy Book System (EBS) management software. $49,226.00.

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.sfhrc.org

No 4 Sole Source, Granted: SFPUC requested a sole source waiver for EPRI to participate in a Offshore Wave Feasibility Demonstration Project in California with 13 other governmental bodies and organizations. This waiver was granted because no other organization is currently conducting this type of comprehensive study in the state of California. The entire cost of the study is $600,000.00. SFPUC's share of the cost will be $30,000.00.

No. 5 Sole Source, Granted: San Francisco Public Transportation aka MUNI requested a sole source waiver for Kiepe-Vossloh (STP) to provide maintenance service for the electric power busses. This waiver was granted because portions of the bus components have been previously designed by Kiepe-Vossloh and are under warranty. $705,200.00.

No. 6 Subcontracting Goals, Granted: San Francisco Department of Environment (SFE) requested a waiver of the 14.A Disadvantaged Business Enterprise (DBE) Subcontracting Goal. SFE will issue a Request for Proposals (RFP) for the installation of photovolatic solar systems on low-income and non-profits organizations in the Potrero and Bayview Hunters Point neighborhoods. This waiver was granted because only non-profit organizations that are under Section 501 (c) (3) of the federal Internal Revenue Code may submit grant application in response to this RFP. Subcontracting would be inconsistent with the project's employment and training requirements of the project, $235,000.00.

No. 7 Sole Source, Granted: Animal Care and Control requested a sole source waiver for Pets Unlimited to provide 24 hour 7 days a week emergency veterinary care. This waiver was granted because all other veterinary providers are not available on a 24/7 basis. $28,500.00.

No. 8 Sole Source, Granted: Department of Public Works (DPW)-Bureau of Architecture (BOA) requested a sole source waiver for Levy Design Partners to complete contract work. This waiver was granted because the original contract expired and work under the task order was incomplete. And industry standards and practices and professional liabilities prevent any other contractor from completing the remainder of the tasks in this City contract. $40,000.00.

No. 9 Sole Source, Granted: San Francisco Arts Commission requested a sole source waiver for Larry Kirkland Studio to perform de-installation, cataloging, cleaning and re-installation of Larry Kirkland's artwork at San Francisco International Airport. This waiver was granted because the work is being removed for Airport's construction of a new pedestrian bridge and mezzanine. The artwork measures 20'X23'X63", it is suspended from the ceiling and consists of hundreds of aluminum shapes with over 3,000 individual attachments. This work can only be performed under the supervision of the artist who originally designed, fabricated and installed the artwork at SFO in 1987. $90,000.00.

No. 10 Sole Source, Granted: San Francisco Fire Department (SFFD) requested a sole source waiver ERLA, Inc. dba EMSAR No. California to perform equipment maintenance on various emergency and ambulance transport equipment,e.g., gurneys stairchairs, backboards and floor fastners. This waiver was granted because the vendor is the only service or repair agent authorized by the manufacturer (Ferno-Washington) to perform repair work on their equipment.

No. 11 Sole Source, Granted: San Francisco Airport Commission requested a sole source waiver for San Francisco Terminal Equipment Company, LLC (SFOTEC) to perform maintenance services on Airport Common Use Terminal Equipment. This waiver was granted because proprietary warranty and contractual maintenance agreements require SFOTEC to perform this work.

No. 12 Sole Source, Granted: SFFD requested a sole source waiver for Olympic Foundry to purchase high pressure hydrants, risers and gate valve frames for the City's Auxillary Water Supply System (AWSS). This waiver was approved because the vendor owns the patterns used to manufacture the parts and equipment. $60,000.00.

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Regular Meeting Agenda

Thursday, November 10, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Malcolm A. Heinicke, *Chair*
Khaldoun A. Baghdadi, *Vice Chair*
Cecilia Chung
Carlota del Portillo
Mark Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

HRC CALENDAR November/December 2005

November 3
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 9
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 10
HRC Regular Commission Meeting
4:30pm
1 Dr. Carlton B. Goodlett Place
City Hall, Room 416

November 15
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 16
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 24
HRC Regular Commission Meeting
CANCELLED

December 1
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 14
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 8
HRC Regular Commission Meeting
CANCELLED

December 20
LGBT Advisory Committee Meeting
CANCELLED

December 21
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 22
HRC Regular Commission Meeting
CANCELLED

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Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of Minutes for Commission Meeting of September 8, 2005
   Continued from Commission Meeting of October 27, 2005
   Action Item - Attachment provided
   Present: C. Vaughn

5. Approval of Minutes for Commission Meeting of September 22, 2005
   Continued from Commission Meeting of October 27, 2005
   Action Item - Attachment provided
   Present: C. Vaughn

REPORT OF THE CHAIR

6. Report of the Chair
   Discussion Item - No attachment

7. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

8. Update on Chapter 14B Local Business Enterprise Legislative Process
   Discussion Item - No attachment

9. Presentation of Chapter 14A Waiver Report for October 2005
   Discussion Item - Attachment to be provided
   Present: J. Fields

DIVISION REPORT

10. **Lesbian Gay Bisexual Transgender and HIV Division**
Presentation of services offered by the Youth Gender Project
Discussion Item - No attachment
Present: Aidan Dunn, Executive Director of the Youth Gender Project

REGULAR BUSINESS

11. **California Association of Human Relations Organizations (CAHRO) 2005 Awards Nominations**
Action Item - Attachment provided

12. **Commission Designation of Melissa Tucker to Investigate and Issue Findings as Appropriate under San Francisco Administrative Code Section 12B.2(g)(1) on the Complaint Against Shawn Richards, Director of Brothers Against Guns**
Action Item - Chapter 12B provided

13. **Update on the San Francisco Human Rights Ordinance proposed by WILD for Human Rights**
Discussion and Possible Action Item - No attachment

COMMITTEE REPORTS

14. **Employment Committee: Report of November 3, 2005 Meeting**
Commissioner Faye Woo Lee
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
Discussion Item - No attachment

15. **Lesbian Gay Bisexual Transgender Advisory Committee: Report of November 10, 2005 Meeting**
Commissioner Cecilia Chung
Commissioner Mark Dunlop
Commissioner Pat Norman
Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
Discussion Item - No attachment

16. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items at this time.

17. **Adjournment**

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City and County of San Francisco
Human Rights Commission

November 24, 2005 (Canceled)

CANCELED

Regular Meeting

Thursday, November 24, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

CANCELED

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Attention!

The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:

December 08, 2005
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, December 8, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

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Khaldoun A. Baghdadi, *Vice Chair*
Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Sandra E. Sohcot
Ellouise Patton

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.sfhrc.org

HRC CALENDAR December 2005/January 2006

December 14
Issues Advisory Committee Meeting
Canceled

December 20
LGBT Advisory Committee Meeting
Canceled

December 21
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 22
HRC Regular Commission Meeting
Canceled

January 11
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 12
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

January 17
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 18
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 26
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

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REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

6. Update on Chapter 14B Local Business Enterprise Legislation
   Discussion Item - No attachment

7. Presentation of Chapter 14A Waiver Report for October 2005
   Discussion Item - Attachment to be provided
   Present: James Fields

8. Update on the San Francisco 49ers Complaint
   Discussion Item - No attachment

9. Resolution Commemorating Former Commissioner Alan Watahara
   Action Item - Attachment to be provided

10. Resolution Commending Darlene Mar for Her Service to the Human Rights Commission
    Action Item - Attachment to be provided

DIVISION REPORT

11. **Non-Discrimination in Employment, Housing and Public Accommodations (NEHPA)**
Report on settlement of DFEH, Shirley Carper & Project Sentinel vs. Globus Enterprises 2001 California Street Partnership
Discussion Item - No attachment
Present: Ed Ilumin

COMMITTEE REPORTS

12. **Employment Advisory Committee**
Report of November 3, 2005 Meeting
Commissioner Faye Woo Lee
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
Presentation on the Sweatfree Ordinance
Discussion Item - Attachment to be provided
Present: Linda Chin

13. **Issues Advisory Committee**
Report of November 9, 2005 Meeting
Commissioner Ellouise Patton
Commissioner Sandra Sohcot
Committee Staff: Emil De Guzman, Melinda Kanios, Carmen Smith
Discussion Item - No attachment

14. **Lesbian Gay Bisexual Transgender Advisory Committee**
Report of November 15, 2005 Meeting
Commissioner Cecilia Chung
Commissioner Mark Dunlop
Commission Pat Norman
Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
Discussion Item - No attachment

REGULAR BUSINESS

15. **Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items**
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City and County of San Francisco
Human Rights Commission

December 22, 2005 (Canceled)

CANCELED

Regular Meeting

Thursday, December 22, 2005
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

CANCELED

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Attention!

The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:

January 12, 2006
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, January 12, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Malcolm A. Heinicke, *Chair*
Khaldoun A. Baghdadi, *Vice Chair*
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Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

HRC CALENDAR January/February 2006

January 11
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 12
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

January 17
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 18
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 26
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

February 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 08
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 09
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

February 21
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 22
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 23
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

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3. Public Comment on Items Not on the Agenda
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REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

6. Update on Chapter 14B Local Business Enterprise Legislation
   Discussion Item - No attachment

7. Presentation of Chapter 14A Waiver Reports for November & December 2005
   Discussion Item - Attachment provided
   Present: James Fields

8. Update on HRC Response to Police Videos
   Discussion Item - No attachment

9. Presentation of Resolution Commemorating Former Commissioner Alan Watahara
   Discussion Item - No attachment (Approved 12-08-05)
   Present: Bayard Fong

10. Presentation of Resolution Commending Darlene Mar for Her Service to the Human Rights Commission
    Discussion Item - No attachment (Approved 12-08-05)
    Present: Bayard Fong

REGULAR BUSINESS

11. Follow-up Report on the CAHRO Conference
Present: Larry Brinkin & Attending Commissioners
Discussion Item - No attachment

12. Follow-up on All of Us or None
Present: Kate Favetti, Department of Human Resources
Discussion Item - No attachment

DIVISION REPORT

13. Equal Opportunity (EO)
Overview of Rules & Regulations Plan & Timeline
Discussion Item - No attachment
Present: James Fields

ADVISORY COMMITTEE REPORTS

14. Employment Committee
Report of December 1, 2005 Meeting
Commissioner Faye Woo Lee
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
Discussion Item - No attachment

15. Disadvantaged Business Enterprise Advisory Committee
Report of December 21, 2005 Meeting
Commissioner Khaldoun A. Baghdadi
Commissioner Yoel Kahn
Commission Nazly Mohajer
Committee Staff: James Fields, Bayard Fong, Selormey Dzikunu
Discussion Item - No attachment

16. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items at this time.

17. Adjournment

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City and County of San Francisco
Human Rights Commission

January 12, 2006

1. Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:30 p.m.

Commissioners Present	Commissioners Excused
Cecilia Chung	Khaldoun Baghdadi
Carlota Del Portillo	Mark Dunlop
Malcolm Heinicke	Ellouise Patton
Yoel Kahn	
Faye Woo Lee	
Nazly Mohajer	
Pat Norman	
Sandra Sohcot	

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HRC Staff Present

Carla Vaughn; Larry Brinkin; Maria Cordero; Selormey Dzikunu; James Fields; Bayard Fong; Zula Jones; Mary Gin Starkweather; and Preston Tom

Guests Present

Darlene Mar, DBE Advisory Committee Member; Aileen Hernandez, Coalition for Economic Equity; Linda Evans, All of Us or None; Dorsey Nunn, All of Us or None; Eddy Lau, Council of Asian American Business Associations; Eva Chuk, Falun Gong; Huy Lu, Falun Gong; Iyalo Augueia; Michelle Midkiff, Falun Gong; Yukichi Negishi, Falun Gong; and Ivan Velinor, Falun Gong

A quorum was present.

2. Circulate General Communications File

None There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

Iyalo Augueia spoke on behalf of the Falun Gong group. Pictures evidencing Falun Gong's participation here and nationwide were shown to the Commission. He pointed out that the Falun Gong group should be part of the Chinese community and should

participate in the Chinese New Year Parade. He also noted that the Falun Gong group has been discriminated against and this should not be allowed to happen in San Francisco.

Huy Lu brought a petition signed by 3000 people in the Chinese community who would like to have Falun Gong participate in the Chinese New Year Parade. Mr. Lu stated that HRC Staff, Ed Ilumin contacted him to set up a mediation meeting between Falun Gong and the Chinese Chamber of Commerce, however, the Chinese Chamber of Commerce has not been cooperating.

The Falun Gong has been applying to participate in the Chinese New Year Parade since 2001. They were permitted to participate in 2004 because they had applied under their other name, Falun Dafa. The Chinese Chamber of Commerce informed Mr. Lu that Falun Gong is not welcome in any Chinatown community event. Mr. Lu asked the Commission to investigate the matter. Mr. Lu stated that the City and County of San Francisco funds the Parade; Grants for the Arts provides $77,000 from the hotel tax fund.

Eva Chuk informed the Commission of her unwelcoming experience from the Chinese Chamber of Commerce when she applied for an application for Falun Gong to participate in the Chinese New Year Parade.

Michelle Midkiff stated that the Chinese government has put out a lot of media propaganda against the practice of Falun Gong which has been successful because many Chinese people have misconceptions about Falun Gong. Ms. Midkiff stated that the Chinese New Year Parade is very important for the Falun Gong to participate in because this is one of the ways they could reach the Chinese people to clarify the misconceptions about Falun Gong.

Commissioner Kahn asked if there is a jurisdictional issue and a history on the matter. Chair Heinicke pointed out that Falun Gong has come before the Commission previously regarding its participation in the Chinese New Year Parade and that group is being denied entry in this year's parade as well as use of a booth during the event. Chair Heinicke stated that a complaint from the Falun Gong group is pending before the Commission.

Larry Brinkin stated that the complaint is filed under Administrative Code Chapter 12C which prohibits discrimination based upon religion in public accommodations. Mr. Brinkin will follow up on this issue with HRC Staff, Frank Anderson.

Commissioner Norman asked Mr. Lu to explain the practice of Falun Gong. Mr. Lu explained the Falun Gong was first introduced in China in 1992 and the prosecution started in 1999 after the government became involved. The doctrine of Falun Dafa (Falun Gong) is basically a meditation practice with four standing exercises and one sitting meditation which are very easy to learn and very popular in China. The doctrine is based on truthfulness, compassion, and forbearance. There are even communist who practice the meditation exercise. Mr. Lu truly believes that the prosecution happens because the government is threatened by Falun Gong's large following.

Commissioner Lee asked Mr. Lu if the group engages in political activity. Mr. Lu

stated he does not call it political activity but as helping to rescue their own people from persecution. Falun Gong opposes the prosecution of practitioners in China, not the government itself.

Commissioner Chung thanked Mr. Lu for speaking and educating the Commission about Falun Gong. She asked if the group is in contact with the Interfaith Council. Neither Mr. Lu nor anyone he knows is personally involved with the Interfaith Council. The group was reminded that the Commission does not have any jurisdiction on the problems in China. Commissioner Chung asked what was the group's desired outcome of their complaint.

Chair Heinicke stated that in the past, HRC was unable to mediate a resolution. He noted that this issue would continue to arise because it is a yearly parade. Mr. Brinkin noted that the only formal action that the Commission took from the complaint filed last year was a letter being sent to the Chinese Consulate expressing concern for Falun Gong followers in San Francisco.

Commissioner Lee asked Mr. Lu if the group is against Communism. Mr. Lu answered that the group is not, and noted that there are communist members who practice Falun Gong exercises. Commissioner Sohcot asked staff to report back to the Commission to clarify what the responses are. There should be as much information, not just about mediation, but more analysis. Chair Heinicke asked for this report to be agendized under the Director's report at the next Commission meeting to direct the next step of the Commission.

Chair Heinicke thanked Mr. Lu for speaking to the Commission. He noted that he couldn't make any promises that the issue can be resolve before the parade. Chair Heinicke stated that the Commission would attempt to mediate and if that does not work, the Commission would look into the issue further to see what other resolution could work.

Chair Heinicke thanked all the speakers.

4. REPORT OF THE CHAIR

There have been many discussions on the 14B Legislation, which would be deferred to the Director's Report.

Chair Heinicke reported on the CAHRO Conference event ceremony. He congratulated the nominees; Supervisor Fiona Ma, Aileen Hernandez and Oren Sellstrom who won and received an award.

5. Individual Commissioner Reports on Community Activities

Commissioner Sohcot attended a conference sponsored by the California Women's Foundation, Lever Foundation, and Ford Foundation about rethinking the human rights framework.

Commissioner Lee announced a fundraising event for the Sunset library on Sunday. Supervisor Ma is the main speaker.

REPORT OF THE DIRECTOR

Bayard Fong reported on the annual Martin Luther King Breakfast, sponsored by a civic committee which awards scholarships to SFUSD essay contestants. The Breakfast will take place at the Holiday Inn on Van Ness Street at 8am on Monday, January 16, 2006.

The annual MLK walk is now a ride on the bus to commemorate the freedom train. Muni buses will be available to pick up participants for the procession that starts on Third Street to the Yerba Buena Gardens. There is an annual information program for the public and speakers honoring Martin Luther King.

6. Update on Chapter 14B Local Business Enterprise Legislation

Preston Tom gave an update on the status of the 14B Ordinance. Since the last meeting, the Board of Supervisor's Rules Committee held a third hearing with major revisions to the draft. The first revision dealt with HRC funding and compliance duties. What was proposed was that contracting departments, when they have contracts to be monitored by HRC, be required to set aside a percentage of the contract value against which HRC would bill for services. The percentage would be on a sliding scale. SFIA and the Port would negotiate with HRC for each contract and PUC would be exempt from the sliding scale provision.

Chair Heinicke summarized where the Ordinance is currently. The Chair pointed out that there is no date when the next Rules Committee hearing will be held.

Commissioner Chung asked where HRC stands on working with the Mayor's Office in mediating the PUC and HRC differences.

Commissioner Kahn explained that the real question is who is most competent and has the community's trust in being able to apply and implement the goals of the Ordinance, and how other Departments can be reassured that there will be no slowing down in contracting activity. The task at this point is to educate all concerned, including the Supervisors and the Mayor. Commissioner Kahn agreed that the HRC staff is qualified and has the community's trust.

Eddie Lau, representing the Council of Asian American Business Associations, commented that they have been tracking the Ordinance. The PUC component is premature. The community would like a more reasonable program and not the way they have imposed it on the permanent program. Mr. Lau stated that they have communicated with the PUC and that the community is willing to work out a regional program with them. He noted that the HRC handling it is another issue.

Aileen Hernandez from the Coalition of Economic Equity commented on the regional program. This issue on regional programs is a very large issue to address and should not be in the Ordinance. Ms. Hernandez also stated that the focus should be on the issue of ending discrimination in the contracting process. PUC does not have the expertise in what the HRC is chartered and designated to deal with. Ms. Hernandez emphasized that the focus should stay on whether or not something can be done on the long-standing discrimination against small, minority, and women owned businesses.

7. Presentation of Chapter 14A Waiver Reports for November and December 2005

James Fields presented the report.

8. Update on HRC Response to Police Videos

Larry Brinkin reported that the Mayor will appoint a Blue Ribbon Task Force to look into the matter. The Mayor is doing a lot of outreach to assess interest in serving on the Task Force. The Mayor has asked HRC and the Commission on the Status of Women to jointly review the culture of the Police Department and their training and diversity programs. Mr. Brinkin pointed out that Director Harmon, Cynthia Goldstein and he met with Emily Murase, Director of DOSW. They spoke about how they would go about this task and wrote a proposal to the Mayor and Ed Lee on how to proceed. Ed Lee gave a positive response to the proposal.

Chair Heinicke suggested that if HRC gets approval from the Mayor's Office, that the item be agendized at a Commission meeting and reported on. Commissioner Lee reported that she read in the paper that the video would be shown at a theater. She went to the theater and they did not show the video. She would like to see the video. According to Mr. Brinkin, the videos are now considered evidence and therefore, confidential. They are not being released at this time, even to HRC.

9. Presentation of Resolution Commemorating Former Commissioner Alan Watahara

Bayard Fong presented a Resolution commemorating former Commissioner Alan Watahara who recently passed away. Accepting the Resolution was John Osaki, Executive Director of the Japanese Community Youth Council. Chair Heinicke read the Resolution. John Osaki thanked the Commission and stated that Mr. Watahara spent the better part of his professional career advocating for children in foster care.

10. Presentation of Resolution Commending Darlene Mar for Her Service to the HRC

Bayard Fong presented the Resolution commending Darlene Mar. Mr. Fong pointed out that it has been an honor to work with Ms. Mar for the past 8 years on the DBE Advisory Committee.

Chair Heinicke read the Resolution for Ms. Mar. Ms. Mar accepted the Resolution and asked the Commission to treat the future 14B program as top priority. She recognized all the people who were instrumental in supporting the program and praised Aileen Hernandez. She thanked the Commission, the Advisory Committee, and HRC.

REGULAR BUSINESS

11. Follow-up Report on the CAHRO Conference

Larry Brinkin reported that the CAHRO Conference was great. He stated that it is very inspiring to hear from different Commissions and learn about the similarities and differences. Assemblyman Mark Leno attended the conference and gave an inspiring speech. Keynote speaker, Senator Gloria Romero, gave an impassioned speech about the criminal justice system, including the juvenile justice system. Aileen Hernandez, also a keynote speaker, gave an incredibly inspiring and wonderful speech.

Mr. Brinkin noted that he was very honored to present the award to Eileen Hernandez, Oren Sellstrom and Supervisor Fiona Ma for their efforts to strengthen and save the DBE program.

Mr. Brinkin coordinated a successful workshop on marriage equality. Mr. Brinkin noted that he was elected to be secretary for the Board. On the last day of the conference, attendees visited legislators in the Capitol. The purpose of the visit was to let the legislators know about Human Relation Commissions and Human Rights Commissions throughout the state, what important work they do and how they would like to get support from the state in a form of grants. The visit to the Capitol was very productive.

Attendees from the Commission were Commissioner Chung, Maria Cordero, Marcus Arana, Bayard Fong and Mr. Brinkin.

12. Follow-up on All of Us or None

Dorsey Nunn from All of Us or None thanked the Commission for the letter that was sent to the Board of Supervisors. Mr. Nunn stated that a compromise has been reached with Director Ginsburg, which ensures fairness in the hiring practice and public safety.

Linda Evans from All of Us or None stated that the question, "Have you been convicted by a court?" would not appear on the initial employment application. There would be a supplemental application that would ask for criminal history, however, it would not be required of anyone unless there is a statutory bar to their employment at the first stage of the application.

Ms. Evans further explained that the people who are applying for jobs for which there is no statutory bar would not be required to provide criminal history information until they have been selected as a finalist for a job. At that time there would be clear guidelines about the job-relatedness of the conviction. The supplemental application

would only occur at the final stage for those few applicants and at that time applicants would be guaranteed opportunities to explain their past. Appeal rights would remain in place.

This serves the interest of people with past convictions so that they would not be discriminated against unfairly before the final stage of employment and also offers the City a much greater pool of qualified candidates.

All the efforts and hard work from all parties involved has been successful.

DIVISION REPORT

13. Equal Opportunity (EO)
Overview of Rules & Regulations Plan & Timeline

James Fields gave a brief overview of the issues being discussed within the EO Division—prompt payment, HRC Rules & Regulations, revisions to Attachments 1, 2, 3, and 4, and Certification forms. A timeline is not set because it is contingent upon the Board of Supervisor's final approval and Mayor Newsom's signature. He assured the Commissioners that staff is prepared to make revisions immediately when 30 days pass from the day Mayor Newsom signs the Ordinance.

ADVISORY COMMITTEE REPORTS

14. Employment Committee - Report of December 1, 2005 Meeting

Mary Gin Starkweather recognized Kabir Hypolite for all his work with All of Us or None.

There were two presentations at the December 1, 2005 meeting. The first presentation was given by Joan Graff, President of the Legal Aid Society Employment Law Center. She presented information on various services for marginal workers, including a gender program dealing with comparable pay for comparable work issues and sexual orientation, family medical leave and job protection; a race discrimination program; a disability discrimination program and a national origin program. There are four workers right clinic in the Bay Area: Hastings Law School, one in East San Jose, Oakland and a phone-in clinic.

Doris Eng made the second presentation. She works for the Golden Gate University School of Law Women's Employment Rights Clinic. She gave information on their services and information on a recent court case dealing with garment workers. The clinic focuses on discrimination, wage, and hour disputes and takes both class action and individual cases.

Commissioner Lee noted that the Employment Committee only has one Commissioner on the Committee and asked other Commissioners to join the Committee. Chair Heinicke would like to have Commissioners focus on a Committee and pursue their interest on that Committee, however, he noted that anyone is welcome to join the

Employment Committee.

15. Disadvantaged Business Enterprise Advisory Committee
Report of December 21, 2005 Meeting

James Fields noted that the November and December meetings were canceled because they coincided with the Board's Rules Committee meetings attended by DBE Advisory Committee members. The next Committee meeting will take place on January 18, 2006.

REGULAR BUSINESS

16. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items

There was no public comment on this item. *(this part of tape blanks out)*

17. Adjournment

There being no further business, the meeting was adjourned at 6:40 p.m.

Adopted on 02-23-06

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, January 26, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Malcolm A. Heinicke, *Chair*
Khaldoun A. Baghdadi, *Vice Chair*
Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

HRC CALENDAR January/February 2006

January 11
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 12
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

January 17
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 18
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 26
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

February 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 08
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 09
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

February 21
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 22
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 23
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

6. Update on Falun Gong Complaint
   Present: Frank Anderson
   Discussion Item - No attachment

REGULAR BUSINESS

7. Approval of Letter to the Department of Human Resources Commending Them for Changing Job Application Procedures for Formerly Incarcerated Individuals
   Present: Kabir Hypolite
   Action Item - Attachment to be provided

ADVISORY COMMITTEE REPORTS

8. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC)
   Approval of Letter to Mayor of Warsaw, Poland, Encouraging Support of LGBT Pride Activities
   Commissioner Cecilia Chung
   Commissioner Mark Dunlop
   Commissioner Pat Norman

Committee Staff: Larry Brinkin, Marcus Arana, Domenic Viterbo
Present: Larry Brinkin
Action Item - Attchment to be provided

9. Disadvantaged Business Enterprise Advisory Committee (DBEAC) Report of December 18, 2006 Meeting
Commissioner Khaldoun Baghdadi
Commissioner Yoel Kahn
Commissioner Nazly Mohajer
Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

10. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items
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City and County of San Francisco
Human Rights Commission

January 26, 2006

1. Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:30 p.m.

Commissioners Present	Commissioners Excused
Khaldoun Baghdadi	
Cecilia Chung	
Carlota Del Portillo	
Mark Dunlop	
Malcolm Heinicke	
Yoel Kahn	
Faye Woo Lee	
Nazly Mohajer	
Pat Norman	
Ellouise Patton	
Sandra Sohcot	

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HRC Staff Present

Carla Vaughn; Frank Anderson; Larry Brinkin; Emil De Guzman; James Fields and Zula Jones

Guests Present

Nan Su, Xu Zhuang Bian, Samuel Jang, Chin Yong Jao, Kung Lee, Wong Ping, Michelle Mia, Adam Lining, Alicia Jao, Charles Lee, Eric Lam, Ben Bendig, Joel Eng, and Huy Lu (Falun Gong)

A quorum was present.

2. Circulate General Communications File

None There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

Nan Su spoke on the matter of Falun Gong. He stated that the Chinese Consulate in San Francisco issued a statement that if the City allows Falun Gong to participate in the Chinese New Year Parade, the relationship between China and the U.S. will be deeply hurt. He believes that the Chinese Consulate is behind the Chinese Parade event which is now a political issue facing the City of San Francisco. The Chinese New Year Parade is not a political event, and should be open to all non political groups such as Falun Gong.

Xu Zhuang Bian explained, through an interpreter, that he came to San Francisco in 2003 as a United Nations refugee. He stated that he and his wife were severely persecuted in China and were in great danger. He was a government official in Communist China who practiced Falun Gong. They came to the United States with the help of the UN and the American government. He believes that San Francisco has a responsibility to protect the local Falun Gong group's civil rights.

Samuel Jang expressed concern about Falun Gong being denied participation in the annual Chinese New Year Parade. He brought pictures of Falun Gong participating in the Hollywood parade. He further urged the Commission and the Board of Supervisors to not fund the annual Chinese New Year Parade. Commissioner Heinicke asked if Falun Gong participated in any other parade in San Francisco. Falun Gong participated in the St. Patrick's Day, Columbus Day, Veteran's Day, and Cherry Blossom Parades.

Chin Yong Jao (sp) spoke on behalf of her friend who was unable to come to the meeting. She spoke about the persecution of Falun Gong practitioners by the Chinese Communist Party. She stated her friend's 61-year-old mother who lives in Beijing was arrested and imprisoned only because she practices Falun Gong.

Kung Lee stated, through an interpreter, that she is over 60 years old, stated she was in poor health before she started practicing Falun Gong and now feels so much better. Ms. Lee pointed out that Falun Gong is spiritual, and that the Chinese Communist party wants the Chinese citizens to worship them as God.

Wong Ping stated, through an interpreter, that she is a Chinese newspaper reporter. She stated that the Chinese Chamber of Commerce created a petition booth asking people to sign a petition to not allow Falun Gong to participate in the parade. Michelle Mia (sp) showed the Commission a copy of the flyer that was passed out at

the 2004 Chinese New Year Parade. The flyer provided information of what the Falun Gong practice and exercises is all about.

Adam Lining (sp) has practiced Falun Gong for 6 years. He recalls in 2001 when the Commission passed the Resolution vowing to protect and uphold the human and civil rights of Falun Gong practitioners. He told the Commission that the practice of Falun Gong is very beneficial and very peaceful and that there is a body of scientific evidence that validates the benefits of the practice of Falun Gong. Mr. Lining further stated that the Communist regime became uncomfortable when Falun Gong reached a certain level of popularity because they value kindness and honesty.

Alicia Jao passed out a document to the Commissioners that she prepared on the Falun Gong matter. She encouraged the Commissioners to call her for any questions they may have regarding the document. Charles Lee stated that he is a medical doctor and a Falun Gong practitioner. He spoke of his experience of persecution in China because of his practice. Mr. Lee urged the Commission to looked further into the treatment of the Falun Gong.

Eric Lam (sp) read a statement on how the Falun Gong group has been discriminated against by the Chinese Chamber of Commerce and Rose Pak, the Parade organizer. He feels Ms. Pak is excluding Falun Gong from participating in the Parade based purely on her personal resentment. Mr. Lam stated that Ms. Pak's speech at the Board of Supervisors' hearing undermines the Falun Gong's practice, reputation, and credibility. Mr. Lam believes this is a case of religious discrimination. He provided a copy of Ms. Pak's speech to the Commissioners.

Ben Bendig (sp) spoke about Shoa Lin (sp,) who defected to Australia. He read an excerpt from a Time magazine article regarding Shoa Lin's involvement with Falun Gong. Joel Eng (sp) brought pictures to show the Commission on how the Falun Gong group participates in parades. He praised the group's grace and serenity in their Chinese dance. The group participates to show the true Chinese culture and diversity, which is what San Francisco is all about.

Huy Lu pointed out that the Falun Gong group has been applying to participate in the Chinese New Year Parade since 2001 and that only in 2004 was the group permitted to participate in the Parade because they had given another name for Falun Gong, Falun Dafa. When the Chinese Chamber of Commerce found out that it was another name for Falun Gong, the group was informed that they were not welcome in any Chinatown community event. He stated that there is a lot of misinformation about Falun Gong and that within the last 6 years, the group has been peacefully explaining what the group is all about. Mr. Lu responded to Commissioner Lee's previous question that other Chinese underground religious groups are also being persecuted by the Communist China, but are not reported openly as the Falun Gong group.

Chair Heinicke asked if there are other Chinese events in the Bay Area that Falun Gong participates in. Falun Gong was invited and will participate in the Vietnamese Chinese New Year Parade in San Jose. They are also invited to participate in the upcoming Vietnamese Fair in San Jose where they will perform the grand opening and be given a full hour to exhibit their practice of Falun Gong.

Commissioner Lee asked several questions to better understand what the group stands for and advocates for. Chair Heinicke suggested that the answers to Commissioner Lee's questions might be better answered in a hearing or Committee session. Commissioner del Portillo suggested that the document (Frequently Asked Questions) that Ms. Chow (sp) provided to the Commission answers some of Commissioner Lee's questions.

Commissioner Chung would like to hear from both sides of the parties involved to get

a better understanding of the issue. She asked if Falun Gong is associated with other religious groups so that they could come before the Commission and explain further the definition of a religion. Commissioner Chung pointed out that the Commission is there to help and take the matter into consideration.

Commissioner Kahn asked for further explanation, the jurisdiction, status, and process of the Commission. Chair Heinicke pointed out that there is a complaint pending that the HRC Staff is investigating. He will speak with Acting Director Brinkin and suggest making another attempt to mediate with the Chinese Chamber of Commerce. The investigation phase would go forward with the City Attorney Office's involvement. Commissioner Heinicke noted that this is a bigger issue than participation in the Chinese New Year Parade in San Francisco. The Commissioners are committed and take the matter seriously.

On another note, Mr. Brinkin announced that Director Harmon gave birth to a baby boy and both are doing well.

4. Report of the Chair

Chair Heinicke announced that he and his wife are expecting a baby boy in June.

5. Individual Commissioner Reports on Community Activities

Commissioner Lee announced the success of the Sunset Library fundraising event. They raised nearly $15,000.

Commissioner Chung announced that 2006 marks the 40th anniversary of Compton 's Cafeteria riot that took place in the Tenderloin, at the corner of Turk and Taylor. The community has set up a planning group to look at how to commemorate the anniversary. There will be more information coming from the SF LGBT Pride Celebration Committee, which has selected its 2006 theme: "commemorate, educate and celebrate."

REPORT OF THE DIRECTOR

6. Update on Falun Gong Complaint

Frank Anderson reported for Carolyn Hom, HRC Staff the investigator for the Falun Gong matter. The Falun Gong organization has filed a formal complaint with the Human Rights Commission claiming that the group has been discriminated against based upon religion in regards to public accommodation access to the annual Chinese

New Year Parade. He stated that they are investigating by doing a fact-finding investigation to sort out the issue and try to verify the information contained in the allegations, and that they are trying to mediate the dispute. Mr. Anderson stated that the Chinese Chamber of Commerce is not interested in the mediation process.

Commissioner Heinicke reminded everyone how the complaint process works and that it is improper for the Commission to be involved in the investigation of a complaint while it is pending. There was much discussion among the Commissioners on the complaint process in this matter. Commissioner Heinicke suggested that HRC make another attempt for mediation.

REGULAR BUSINESS

7. Approval of Letter to the Department of Human Resources Commending Them for Changing Job Application Procedures for Formerly Incarcerated Individuals

Chair Heinicke reported that following the report from All of Us or None and Linda Evans, he suggested that a letter be sent to Director Ginzburg and Deputy City Attorney Jennifer Johnston thanking them for their work. Director Ginzburg pointed out that the driving force in this effort was Ted Yamasaki who has been added to the letter. He asked for comments on the letter and seeing none he asked for motion to accept the letter. Commissioner Baghdadi moved to accept the letter and it was accepted.

ADVISORY COMMITTEE REPORTS

8. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC)

Approval of Letter to Mayor of Warsaw, Poland, Encouraging Support of LGBT Pride Activities

Larry Brinkin reported that the letter came from the LGBT Advisory Committee. One of the members, a Pride Committee Board Director, noted that the former Mayor of Warsaw prevented the Warsaw LGBT Pride Parade from taking place. The letter encourages the current Mayor to support the Parade in Warsaw.

Chair Heinicke asked if there is any protocol when a letter is sent outside of the Bay Area. Does it need to be cleared with any official office or the Mayor's Office. Mr. Brinkin will check with the Mayor's Office on protocol. Chair Heinicke suggested that he send an e-mail to the Mayor's Office with a copy of the letter should be attached

and that he wait a couple of days for a response before sending out the letter.

Commissioner Kahn cautioned that writing to this particular Mayor could lead to writing to others. He wanted further explanation as to why this particular letter was okay to send and not be involved in writing internationally about the Falun Gong issue.

Mr. Brinkin explained that HRC is not prevented from expressing an opinion, which HRC has done many times over the years. Chair Heinicke further explained that HRC lacks expertise on the Falun Gong issues and all the complicated matters associated with it. Chair Heinicke noted that in the LGBT matter, San Francisco is a beacon for the rest of the world. This is the area were San Francisco has the expertise that the rest of the world could benefit from. As for jurisdiction, the letter is not taking formal action.

Commissioner Kahn suggested that the letter be copied to the Honorary Polish Consulate General in San Francisco and offered to personally make the call. Commissioner Chung pointed out that the spirit of the letter is to encourage and give moral support for the Parade in Poland. Commissioner Sohcot suggested that the current letter does not reflect what Commissioner Chung noted and suggested the letter be revised for more clarity. She suggested that when writing a letter to another country, the Commission inform anybody who may be connected. Commissioner Mohajer added that it is very important to reach out to others involved. Vice Chair Baghdadi said the letter should reflect a positive, human rights experience in San Francisco.

Chair Heinicke asked for a motion to be approved with advance notice to the Mayor with Commissioner Kahn contacting the Honorary Consulate General to make them aware of the HRC's intention. Commissioner del Portillo moved to approve the letter with corrections. All were in favor and it was accepted and agreed it would be back to the next Commission meeting for adoption.

9. Disadvantaged Business Enterprise Advisory Committee (DBEAC) Report of December 18, 2006 Meeting

James Fields reported that the Committee met to discuss the prompt payment issue. Also discussed were the upcoming changes of the approval by the Rules Committee. Staff is updating some of the Attachments.

Mr. Fields announced that HRC (Acting Director Brinkin, Veronica Ng, and James Fields) will meet with Supervisor Ma, Jaynery Mak, and Bill Barnes (Ms. Mak's replacement while she is away on maternity leave), Oren Sellstrom, and Eileen Hernandez on Friday, January 27 at 10:00 a.m. to discuss the pending legislation.

10. Commissioner Discussion on Matters of Interest for Possible Inclusion on Future Agenda Items

Commissioner Chung followed up on the previous discussion of having Commission meetings in different neighborhoods. Mr. Brinkin pointed out that the issue of having Commission meetings in the community is a decision of the Commission. Commissioner Chung also expressed concern about the attendance and tardiness of the LGBT Advisory Committee members. She stated that at the next Committee meeting she will make a proposal to institute some Committee changes. Chair Heinicke briefly went over the guidelines of Committee rules and made suggestions to handle certain situations.

Commissioner Chung also followed up on the discussion of collecting demographic data from different neighborhoods.

Commissioner Kahn asked other Commissioners to join him in making a donation to the Friends of the Human Rights Commission in honor of Gabriel Harmon.

Mr. Brinkin mentioned that the budget that is due to the Mayor's Office by February 21, 2006 will be added to the next Commission Meeting agenda. There will also be a presentation from the 49ers about the agreement it has reached with HRC and the community on its diversity plan.

11. Adjournment

Chair Heinicke adjourned the meeting in honor of Gabriel Harmon. There being no further business, the meeting was adjourned at 6:30 p.m.

**NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary. **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, February 9, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Malcolm A. Heinicke, *Chair*
Khaldoun A. Baghdadi, *Vice Chair*
Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

HRC CALENDAR February/March 2006

February 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 08
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 09
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

February 21
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 22
DBE Advisory Committee Meeting
5:30pm
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4:30pm
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4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

3. Report of the Chair
   Discussion Item - No attachment

4. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

5. Presentation to the Human Rights Commission and the Commission on the Status of Women by the San Francisco 49ers of their Diversity Plan and Community Outreach Plan
   COSW Commissioners: President Andrea Shorter, Vice-President Angela Williams, Andrea Evans, Dorka Keehn, Jing Xu Lee, Carolene Marks, Katherine Munter;
   COSW Executive Director: Emily M. Murase
   Present: Larry Brinkin
   Discussion Item - Attachments to be provided

6. Presentation of FY 2006/2007 HRC Budget
   Present: Joyce O. Smith
   Action Item - Attachment to be provided

ADVISORY COMMITTEE REPORTS

7. Issues Committee
   Commissioner Reports of January 11, 2006 and February 8, 2006 Meetings
   Commissioner Carlota del Portillo
   Commissioner Ellouise Patton
   Commissioner Sandra Sohcot
   Committee Staff: Emil De Guzman, Melinda Kanios, Carmen Smith
   Discussion Items - No attachments

REGULAR BUSINESS

8. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items
   This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items.

9. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures

The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at HRC Meetings and to write letters to the HRC and to its members: 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. Agendas are available on the internet at www.sfhrc.org. THE AGENDA PACKET IS AVAILABLE AT THE HRC MAIN OFFICE, 25 VAN NESS AVENUE, SUITE 800, RECEPTION DESK. Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact the Commission Secretary at 415-252-2500.

Disability Access

The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, the Human Rights Commission Secretary may be contacted at 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

MINUTES OF THE REGULAR MEETING OF THE HUMAN RIGHTS COMMISSION
Thursday, February 9, 2006

HRC 032306 Item 4

1. Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:31 p.m.

Commissioners Present	Commissioners Excused
Khaldoun Baghdadi	Yoel Kahn
Cecilia Chung	
Carlota del Portillo	
Mark Dunlop	
Malcolm Heinicke	
Faye Woo Lee	
Nazly Mohajer	
Pat Norman	
Ellouise Patton	
Sandra Sohcot	

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HRC Staff Present:

Carla Vaughn; Frank Anderson; Larry Brinkin; Emil De Guzman; Cynthia Goldstein; Veronica Ng and Joyce Smith

Guests Present:

Ed Lee, City Administrator; Emily Murase, Executive Director of the Department on the Status of Women; Angela Williams, President, Commission on the Status of Women (COSW); Commissioner Dorka Keehn, COSW; Commissioner Andrea Evans, COSW; Ed Goines, 49ers General Counsel; Lisa Lang, 49ers Vice President of Communications; Maria Daly; Cheryl Smith, Bayview Hunter's Point YMCA; Alicia Zhao, Falun Gong; Huy Lu, Falun Gong; Yukichi Negishi, Falun Gong, and Michelle Midkiff, Falun Gong; Tom Lynch, President of SF Lesbian Bisexual Transgender Center

A quorum was present.

2. Public Comment on Items Not on the Agenda

Alicia Zhao came to speak on the issue on the Chinese New Year Parade and violence against Falun Gong practitioners. She gave an example of one resident in the Bay Area, Dr. Mario Ju (sp?), whose home was broken into and ransacked twice in 2005. Ms. Zhao submitted a written statement from Dr. Ju. Ms. Zhao pointed out that what happened to Dr. Ju was not an isolated case because it has happened to many other Falun Gong practitioners in America. She said that their safety was not being protected as Falun Gong practitioners in America and San Francisco.

Huy Lu mentioned a hate crime incident that he was involved in, in Chinatown when he was passing out information. Yukichi Negishi stated that it's not only Falun Gong practitioners who are in danger in the US, but also people associated with Falun Gong practitioners. Maria Daly brought pictures of Falun Gong groups participating in other parades. Ms. Daly said she is a Latina from Peru and practices Falun Gong.

Michelle Midkiff brought advertisements by the Chinese Chamber of Commerce which asked why Supervisor Fiona Ma was supporting a homophobic cult. Ms. Midkiff stated that Falun Gong is not a homophobic cult.

Chair Heinicke thanked the speakers. He noted that the complaint filed by Falun Gong practitioners is pending and that the Commission is aware of the Court decision and is monitoring the complaint.

REPORT OF THE CHAIR

3. Report of the Chair

Chair Heinicke announced that Commissioner del Portillo would be reassigned to the Employment Committee joining Commissioner Lee.

There was no public comment on this item.

4. Individual Commissioner Reports on Community Activities

Commissioner Lee announced that the Sunset Library fundraising event was very successful. They raised closed to $15,000. Supervisor Ma was the MC for the event.

Commissioner Chung announced that 2006 marks the 40th anniversary of the Compton Cafeteria riot that took place in the Tenderloin at the corner of Turk and Taylor. The community has set up a planning group to look at how to commemorate the anniversary. She also reported that the SF LGBT Pride Celebration Committee selected a theme for this year's parade: "Commemorate, Educate, and Celebrate."

There was no public comment on this item.

REPORT OF THE DIRECTOR

5. Presentation to the Human Rights Commission and the Commission on the Status Of Women by the San Francisco 49ers of their Diversity Plan and Community Outreach Plan

Larry Brinkin introduced the San Francisco 49ers' Diversity Action Plan stating that HRC worked closely with the 49ers to bring about the plan after the release of offensive and discriminatory videos produced by staff of the 49ers. Mr. Brinkin stated that HRC requested that the 49ers adopt a comprehensive internal diversity plan. The 49ers agreed to adopt the plan and to produce a community action plan that would help them work to improve relations with the community and become a better partner in San Francisco and the Bay Area in combating discrimination.

Mr. Brinkin pointed out that the Department on the Status of Women and the Commission on the Status of Women provided much input into the draft. Ed Lee and the Immigrants Rights Commission also were very helpful. Mr. Brinkin noted that throughout the drafting of the plan, HRC had an excellent relationship with the 49ers. Mr. Brinkin especially thanked Ed Goines, 49ers General Counsel, and Lisa Lang, 49ers Vice President of Communications. Mr. Brinkin pointed out that the document is a living document. The plan will be implemented and HRC will be monitoring the implementation of the plan for the next two years. It is a flexible plan and will be changed as needed.

Mr. Ed Goines stated that the plan was the work of many people. He mentioned that all personnel who were involved with the production of the videos have been terminated from the team. Mr. Goines explained that the goal of the diversity action plan is to have a workplace free of discrimination and to

articulate ways to celebrate diversity. The plan's strategies fall into six platforms: zero tolerance; structure and leadership; recruitment and retention; diversity training and education; community outreach and vendors. Mr. Goines explained each platform.

Ms. Lang gave a brief presentation on what the 49ers have done to date to implement their diversity action plan. Ms. Lang stated that the 49ers Foundation has about one million dollars and is partially funded by the owners and by fundraising activities.

Ed Lee, City Administrator, explained that he was asked by the Mayor to represent him and the City Administrator's office in the effort to improve the relationship between the 49ers and the City and its residents. Mr. Lee acknowledged on behalf of the Mayor "great thanks" to HRC staff and both Commissions for their efforts. Mr. Lee also thanked the 49ers on behalf of the Mayor. Chair Heinicke asked if the community is happy with the proposal or if there is a need for more outreach. Mr. Lee answered that the community groups are very excited about this step and are looking forward to more details. Chair Heinicke thanked Mr. Lee for his efforts and also the Mayor's Office for their support.

Chair Heinicke thanked Mr. Goines and Ms. Lang for their presentations and noted that the HRC as well as the Commission on the Status of Women would continue to work with the 49ers to make the plan work.

Commissioner del Portillo asked if management at the 49ers would be subject to the same discipline as the players, including the loss of employment. She also asked how the plan would encourage people of color to share their experiences. Mr. Goines answered that the zero tolerance policy would apply across the board, including to management. He stated that discussion groups and training activities included in the plan are designed to encourage people of color to feel free to talk about any oppressiveness they are feeling.

COSW Commissioner Williams stated that the 49ers did a good job. She pointed out that she read through the plan but felt that the women's community was not fully addressed. Ms. Lang stated that the women's community was not involved in the meetings. She stated that the 49ers would like to do something more significant for the women's community and noted that the plan focuses on family violence prevention which includes focusing on violence against women. Commissioner Williams asked about the culture of the organization and about their sexual harassment policy. She asked whether the 49ers have a process for dealing with complaints. Mr. Goines stated that there is a policy in place and that everyone knows about it. Employees can go to the Human Resource (HR) Department and the diversity council. Going to HR would open up an investigation.

Commissioner Williams also asked if the 49ers have a sense of how many girls and women are served in the programs they sponsor in relationship to the number of men and boys served. Ms. Lang pointed out that all the youth programs are open to boys and girls. The programs are tracked but not tracked by gender. Going forward this is an area that they will be tracking. Commissioner Evans asked if the 49ers are in compliance with the State law which requires two hours of sexual harassment training for supervisors. Mr. Goines noted that all supervisors and staff are all trained and in compliance.

Commissioner Sohcot asked if there is some type of assessment to measure the effectiveness of the Diversity Plan to see if people's attitudes change. Mr. Goines stated that he plans to do this.

Commissioner Lee asked what activities are being done for the Asian Pacific community for the year 2006. Ms. Lang stated that the 49ers are still developing the details of the plan. Activities will continue at the stadium on game days and they will be doing more outreach to the Asian community. Chair Heinicke wished the 49ers the best of luck and encourage them to continue working with HRC and the community on this effort.

Ms. Cheryl Smith, Executive Director of the Bayview Hunters Point YMCA, spoke on behalf of the 49ers and their relationship to the community of Bayview Hunters Point. She said that John and Denise York have helped her developed and build the YMCA. Ms. Smith pointed out that the 49ers have been involved in the Bayview Hunters Point community and they are good corporate neighbors.

Tom Lynch, President of SF Lesbian Bisexual Transgender Center, stated that he was very impressed with the 49ers for their responsiveness at the first town hall meeting at the LGBT Center. Mr. Lynch stated that Dr. York, Ed Goines and other representatives from the 49ers attended and from the beginning have shown that this is a very important issue for them.

Dr. Murase thanked everyone who has been involved in the process. She submitted a written statement from COSW Commissioner Marks who could not attend the meeting. Chair Heinicke thanked Mr. Goines and other people who attended the meeting on this issue and thanked the Commissioners from the Commission on the Status of Women.

6. Presentation of FY 2006/2007 HRC Budget

Joyce Smith, Budget Coordinator, requested the Commission's approval of the HRC's proposed 2006/2007 budget. Ms. Smith stated that the proposed budget reflects the required General Fund reductions.

Ms. Smith pointed out that in the current fiscal year; HRC was allowed to carry over funds to balance the 2005/2006 budget. Those funds would not be available in fiscal year 2006/2007. Therefore, an additional reduction of $199,405 is necessary to bring HRC's budget in balance. Ms. Smith pointed out that it's likely that staff reductions will be necessary. However, HRC is looking at other options to get more funding to avoid such cuts.

Commissioner Mohajer noted that if the new DBE Ordinance passed it would require more staffing. She asked how the new Ordinance would impact the proposed budget. Chair Heinicke pointed out that the budget is based on current funding sources. If the new Ordinance passes some additional work order funding may be provided based on a percentage of departmental contracting.

Commissioner Baghdadi asked when the personnel layoff happened would. Ms. Smith stated that the notices normally are sent out in June, and layoffs are effective on the last day of August. Commissioner Patton pointed out that according to the 6 months budget status report that was submitted to the Board of Supervisors, there is $137 million dollars in the General Fund which could indicate a surplus. She asked if this could affect the Commission in any way. Ms. Goldstein answered that if the administration reduces the across-the-board cuts to the General Fund this would impact the Commission positively.

Chair Heinicke asked that if there is a significant change or a confirmation of the budget that it be brought back to the Commission as an update. Commissioner Lee made a motion to move the item. Commissioner Chung, Seconded. The item was approved.

There were no public comments on this item.

ADVISORY COMMITTEE REPORTS

7. Issues Committee – Commissioner Reports of January 11, 2006 and February 8, 2006 Meetings

Emil De Guzman reported that a draft report and brochures on the Real ID Act have been prepared. He talked about the upcoming planning session scheduled for March 25, 2006. Mr. De Guzman stated that the Committee is working on recruitment for new members. Mr. De Guzman noted that the US PROStitutes Collective made a presentation to the Committee on a resolution that was passed by the Board of Supervisors in 2000 which made recommendations on mitigating violence against prostitutes. The Collective asked for the HRC's support in encouraging the Board to implement the recommendations. He noted that a resolution would be brought before the Commission at its next meeting. Mr. De Guzman pointed out that the problem is that the Board's resolution has not been fully implemented.

Commissioner Dunlop pointed out that he was surprised that the HRC had not celebrated Black History month. Commissioner Patton asked that the meeting be adjourned in memory of Coretta Scott King. She also suggested honoring an individual or organization that positively affects the civil rights of San Francisco's African American community.

Chair Heinicke agreed to agendized this for the February 23rd meeting along with a discussion of how the Commission can celebrate Black History Month both now and in the future.

There was no public comment on this item.

REGULAR BUSINESS

8. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items

There was no discussion on this item.

9. Adjournment

Chair Heinicke adjourned the meeting in memory of Coretta Scott King. There being no further business, the meeting was adjourned at 7:34 p.m.

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HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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ROSTER OF COMMISSIONERS

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Khaldoun A. Baghdadi, *Vice Chair*
Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
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Main Conference Room

March 08
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 09
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

March 15
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 21
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 23
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

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Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of Minutes of Commission Meeting of January 12, 2006
   Presenter: Carla Vaughn
   Action Item - Attachment to be provided

5. Approval of Minutes of Commission Meeting of January 26, 2006
   Presenter: Carla Vaughn
   Action Item - Attachment to be provided

REPORT OF THE CHAIR

6. Report of the Chair
   Discussion Item - No attachment

7. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

8. Presentation of Chapter 14A Waiver Report for January 2006
   Presenter: James Fields
   Discussion Item - Attachment provided

9. Update on Complaint of Discrimination:
   Derek Turner, Michael Wyllis, et al. v. SF Badlands
   Presenter: Larry Brinkin
   Discussion Item - No attachment

ADVISORY COMMITTEE REPORTS

10. Employment Committee
Report of February 2, 2006 Meeting
Commissioner Faye Woo Lee
Commissioner Carlota del Portillo
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
Discussion Item - No attachment

11. Lesbian Gay Bisexual Transgender (LGBT) Advisory Committee
Commissioner Cecilia Chung
Commissioner Mark Dunlop
Commissioner Pat Norman
Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo

    a. Report of February 21, 2006 Meeting
    Discussion Item - No attachment

    b. Approval of Letter to Mayor of Warsaw, Poland, Encouraging His Support of LGBT Pride Activities
    Action Item - Attachment provided

12. Issues Committee
Approval of Resolution in Support of Mitigating Violence Against Women
Commissioner Carlota del Portillo
Commissioner Ellouise Patton
Commissioner Sandra Sohcot
Presenter: Emil De Guzman
Action Item - Attachment provided

REGULAR BUSINESS

13. Commissioner Discussion on HRC Celebration of Black History Month

14. Discussion and Possible Approval of Individual or Organization to be Honored for their Contribution to the Civil Rights of San Francisco's African American Community

15. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items.

16. Adjournment

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MINUTES OF THE REGULAR MEETING OF THE HUMAN RIGHTS COMMISSION
Thursday, February 23, 2006

HRC 032306 Item 5

1. Call to Order and Roll Call

Vice Chair Baghdadi called the meeting to order at 4:32 p.m.

Commissioners Present	Commissioners Excused
Khaldoun Baghdadi	Malcolm Heinicke
Cecilia Chung	Pat Norman
Carlota del Portillo	
Mark Dunlop	
Yoel Kahn	
Faye Woo Lee	
Nazly Mohajer	
Ellouise Patton	
Sandra Sohcot	

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HRC Staff Present:

Carla Vaughn; Frank Anderson; Larry Brinkin; Emil De Guzman; Cynthia Goldstein and Kabir Hypolite

Guests Present:

Betty Traynor, 16th Street Neighborhood Association; Nell Myhand, Women of Color in the Global Women's Strike, Lori Nairne, Legal Action for Women; Rachel West, US PROStitutes Collective; and Barry Eisenberg, Idriss Stelley Foundation

A quorum was present.

2. Circulate General Communications File

The General Communications file was circulated.

3. Public Comment on Items Not on the Agenda

Barry Eisenberg spoke on behalf of the Idriss Stelley Foundation, an organization created in honor of Mr. Shellley, who was gunned down by the police in the year 2000. Mr. Isenberg pointed out that the foundation is the only such entity in the City that combats police violence and brutality.

Commissioners Sohcot, Patton and Chung asked for an update on the HRC's role on the police matter that arose last year. Acting Director Goldstein gave a brief update on what steps the HRC has taken, stating that the agency has been asked to wait for the Blue Ribbon Task Force to be formed before proceeding.

APPROVAL OF MINUTES

4. Approval of Minutes of Commission Meeting of January 12, 2006

5. Approval of Minutes of Commission Meeting of January 26, 2006

Vice Chair Baghdadi asked that the minutes of January 12, 2006 and January 26, 2006 Commission meetings be considered for adoption. Commissioner Kahn made a motion to adopt the minutes. Commissioner del Portillo Seconded. The minutes were adopted.

There was no public comment on this item.

6. Report of the Chair

There was no report.

There was no public comment on this item.

7. Individual Commissioner Reports on Community Activities

Commissioner Lee stated that Congressman Tom Lantos invited the Chinese community leaders to a luncheon meeting to talk about community concerns. Commissioner Chung reported that she attended the first Transgender Leadership Summit in LA. She is advocating for the next summit to be held in Northern California. Commissioner Patton recommended honoring Bayview Hunters Point Multipurpose Senior Services in honor of Black History Month. She requested that someone advocate for HRC to get part of the $63 million dollar budget surplus being reported in the news.

There was no public comment on this item.

REPORT OF THE DIRECTOR

8. Presentation of Chapter 14A Waiver Report for January 2006

Commissioner Sohcot asked if HRC has statistics on which departments frequently ask for waivers. Acting Director Goldstein agreed to look into how the 14A waivers are maintained and provide what statistics are available.

Vice Chair Baghdadi explained that it is the discretion of the Director to grant or deny waivers. The presentation of the report is to provide the Commissioners with an update on what waivers have been granted or denied and provide Commissioners an opportunity to ask questions.

There was no public comment on this item.

9. Update on Complaint of Discrimination: Derek Turner, Michael Wyllis, et al. v. SF Badlands

Larry Brinkin stated that the Commission received several complaints against SF Badlands bar in 2005. The complaints alleged public accommodations and employment discrimination. The mediation process resulted in a settlement and the terms of the settlement are confidential. The complainants have withdrawn their complaints from the Commission. Commissioner Kahn expressed frustration that the settlement terms are being kept confidential given that the complainants were so public about their allegations.

There were no public comments on this item.

ADVISORY COMMITTEE REPORTS

10. Employment Committee – Report of the February 2, 2006 Meeting

Kabir Hypolite reported that the Committee had a presentation by Bernice Casey from the Department of the Status of Women. They are seeking support for legislation that would create workplace protections for exotic dancers in San Francisco. Mr. Hypolite also reported that the Committee received positive feedback from the members about the resolution of the All of Us or None matter. He noted that all of the negotiations on this matter have successfully concluded.

Mr. Hypolite stated that the Committee is planning a special meeting to discuss the 2006-2007 term and that the Committee has five new members coming on board. There was a brief discussion on the issues that are presented by the possibility of having a monolingual, non-English speaker as a Committee member. Vice Chair Baghdadi asked Ms. Goldstein to look into this matter further.

There was no public comment on this item.

11. Lesbian Gay Bisexual Transgender (LGBT) Advisory Committee

a. Report of the February 21, 2006 Meeting

Larry Brinkin reported that the Committee heard from a panel on the issue of women's health care. The presentation was very informative. Mr. Brinkin also reported that the Committee did a much better job this year recruiting new members from communities of colors. He recognized Commissioner Chung for her excellent recruitment efforts.

b. Approval of Letter to Mayor of Warsaw, Poland, Encouraging His Support of LGBT Pride Activities

Vice Chair Baghdadi asked to entertain a motion to accept the letter. Commissioner Lee made a motion to approve the letter. Commissioner Sohcot Seconded. The letter was approved and accepted.

There was no public comment on this issue.

12. Issues Committee
Approval of Resolution in Support of Mitigating Violence Against Women

Emil De Guzman briefly summarized the resolution and stated that the resolution should be titled "Resolution in Support of Mitigating Violence Against Prostitutes." A resolution on this subject was originally passed by the Board of Supervisor in September 2000. At that time, the HRC was involved and supportive of the resolution. Commissioner Sohcot pointed out that there has not been sufficient attention given to what the resolution recommended. She hoped that the Commission's action on this item would reinforce the importance of the original resolution and help it get proper attention.

Mr. De Guzman introduced Rachel West of the US PROStitutes Collective. Ms. West stated that women are still facing violence everyday. The resolution called for violence against prostitutes to be prioritized and for the police to take this violence seriously.

Nell Myhand of Women of Color in the Global Women's Strike said one issue that they are addressing is the criminalization of women in the street. Betty Traynor, a resident in the Capp Street area, came to speak about her experiences and the violence she has witnessed in her neighborhood. Ms. Traynor asked the Commission to support this issue. Lori Nairne who works for Legal Action for Women brought along literature on their work. Ms. Nairne asked the Commission to pass the resolution. Vice Chair Baghdadi

asked to entertain a motion to adopt the resolution as amended. Commissioner Sohcot, Moved. Commissioner Chung, Seconded. The resolution was accepted and adopted.

REGULAR BUSINESS

13. Commissioner Discussion on HRC Celebration of Black History Month

Vice Chair Baghdadi stated that items 13 and 14 would be discussed together. The Commissioners agreed that there are many people in the African American Community who deserve recognition for what they do. Commissioner Patton added that the Commission needs to remember that the Commission was founded to address discrimination against African Americans in San Francisco. Commissioner Dunlop described the annual recognition program sponsored by the Redevelopment Authority.

There was no public comment on this item.

14. Discussion and Possible Approval of an Individual or Organization to be Honored for their Contribution to the Civil Rights of San Francisco's African American Community

Vice Chair Baghdadi suggested moving this item forward by drafting a resolution honoring Bayview Hunters Point Multipurpose Senior Services for possible approval at the next Commission meeting.

There was no public comment on this item.

15. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items

Commissioner Kahn asked if the Commission could schedule a meeting outside of the Commission's regular meeting time where everyone could have an unstructured time to talk about their goals and vision for the Commission as a whole. Commissioner Kahn asked for an update on where the Commission is on holding Commission meetings in the community.

Commissioner Chung asked where the Commission is in compiling information on the demographic make-up of San Francisco districts. Commissioner Sohcot stated that HRC Staff is working on a draft of a report for the Issues Committee to review which would be brought to the Commission.

Commissioner Chung suggested recognizing a woman in the community or an organization serving women in honor of International Women Day on March 8th. Vice Chair Baghdadi made several announcements of events in San Francisco at the request of Commissioner Patton, who had to leave early.

There was no discussion on this item.

9. Adjournment

Vice Chair Baghdadi adjourned the meeting. There being no further business, the meeting was adjourned at 6:01 p.m.

**NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary. **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, March 9, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Malcolm A. Heinicke, *Chair*
Khaldoun A. Baghdadi, *Vice Chair*
Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

HRC CALENDAR March/April 2006

March 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 08
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 09
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

March 15
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 21
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 23
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

April 06
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 12 TBD
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 13
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

April 18
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 19
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 27
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

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REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No attachment

5. Discussion of Possible HRC Long-Term Planning Meeting, HRC Meetings in Various Neighborhoods and Annual Recognition Program
   Discussion Item - No attachment

6. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

7. Update on HRC Response to Police Videos
   Presenter: Larry Brinkin
   Discussion Item - Attachment Provided

8. Update on Chapter 14B Local Business Enterprise Legislation
   Discussion Item - No attachment

9. Report on the Requirements of the Equal Access to Services Ordinance, S.F. Admin. Code Chapter 91
   Discussion Item - Attachment Provided

DIVISION REPORT

10. Lesbian Gay Bisexual Transgender and HIV Division
    Update on Medical Community's Response to HRC Intersex Report
    Presenter: Marcus Arana
    Discussion Item - No attachment

REGULAR BUSINESS

11. Resolution Commending the Bayview Hunters Point Multipurpose Senior Services Center
Presenter: Carmen Smith
Action Item - Attachment provided

12. Discussion and Possible Approval of Resolution Commending an Individual or Organization Serving the Women's Community
Action Item - No attachment

13. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items
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14. Adjournment

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MEMORANDUM

To: Edwin Lee, City Administrator
cc: Steve Kawa, Chief of Staff

From: Virginia M. Harmon, Executive Director, Human Rights Commission
Emily M. Murase, Executive Director, Department on the Status of Women

Re: Police Videos

Date: December 12, 2002

The draft outline, below, has been prepared in response to the Mayor's request that the Human Rights Commission and Department on the Status of Women examine and make recommendations regarding the cultural competency of the police department. We ask that you review this outline and suggest any changes or alternate approaches you think advisable.

The plan is divided into four phases. The first is an assessment phase where we will gather and review information on:

a. Training Practices, including
   - Frequency
   - Curriculum
   - Expertise and diversity of trainers
   - Who is included and excluded

b. Recruitment Practices, including
   - Workforce demographics
   - Outreach methods
   - Opportunities for building community relations
   - Opportunities for increasing diversity of force

c. Review of Policies and Practices, including
   - What policies exist addressing harassment and discrimination
   - How are policies communicated
   - How diversity is expressed and displayed at police stations

d. Review of Community Relations, including
   - What efforts are made to build and maintain positive community relationships
   - What structures are in place for community input
   - How well is the Department able to accommodate diverse language needs

The second phase will be for recommendation development. In light of the assessments made, we will draft recommendations on how needed improvements can be made. The third phase will be when recommendations are implemented, and the final phase will consist of an evaluation of the implementation process and a reexamination of any continuing deficiencies.

To assist with the assessment phase and to include affected communities in this process, we recommend that public hearings take place soon, and that these hearings are hosted by the Police Department and Police Commission, with representatives from the Commission on the Status of Women and Human Rights Commission participating as well. We recommend hearings take place in five locations: the Southeast Community Center, the Ella Hill Hutch Community Center, the LGBT Community Center, the Women's Building and the Chinese American Citizens Alliance.

In order for this process to move forward we will need an opportunity to review all of the videos at issue, and ask that a liaison at the Police Department be identified who will provide us with access to police personnel, needed documents, information and event coordination.

We look forward to hearing from you with your thoughts on how best to move forward with this process.

CHAPTER 91
EQUAL ACCESS TO SERVICES

Sec. 91.1. Title.

Sec. 91.2. Definitions.

Sec. 91.3. Equal Access to Services.

Sec. 91.4. Translation of Materials.

Sec. 91.5. Dissemination of Translated Materials from the State and Federal Government.

Sec. 91.6. Public Meetings and Hearings.

Sec. 91.7. Recorded Telephonic Messages.

Sec. 91.8. Complaint Procedure.

Sec. 91.9. Compliance Plans.

Sec. 91.10. Recruitment.

Sec. 91.11. Commission Responsibilities.

Sec. 91.12. Rules and Regulations.

Sec. 91.13. Enforcement.

Sec. 91.14. Severability.

SEC. 91.1. TITLE.

This chapter shall be known as the "Equal Access to Services Ordinance." (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.2. DEFINITIONS.

As used in this Chapter, the following capitalized terms shall have the following meanings:

(a) "Bilingual Employee" shall mean a City employee who is proficient in the English language and a language other than English.

(b) "City" shall mean the City and County of San Francisco.

(c) "Commission" shall mean the Immigrant Rights Commission.

(d) "Concentrated Number of Limited English Speaking Persons" shall mean either 5 percent of the population of the District in which a Covered Department Facility is located or 5 percent of those persons who use the services provided by the Covered Department Facility. The Planning Department shall determine annually whether 5 percent or more of the population of any District in which a Covered Department Facility is located are limited English speaking persons who speak a shared language other than English. The Planning Department shall make this determination by referring to the best available data from the United States Census Bureau or another reliable source and shall certify its determination to all City Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those persons who use the Department's services at a

Covered Department Facility are limited English speaking persons who speak a shared language other than English using either of the following methods specified in Section 91.2(j) of this Article.

(e) "Covered Department Facility" shall mean any Department building, office, or location that provides direct services to the public and serves as the workplace for 5 or more full-time City employees.

(f) "Departments" shall mean both Tier 1 Departments and Tier 2 Departments.

(g) "Districts" shall refer to the 11 geographical districts by which the people of the City elect the members of the City's Board of Supervisors. If the City should abandon the district election system, the Commission shall have the authority to draw district boundaries for the purposes of this Article that are approximately equal in population.

(h) "Limited English Speaking Person" shall mean an individual who does not speak English well or is otherwise unable to communicate effectively in English because English is not the individual's primary language.

(i) "Public Contact Position" shall mean a position in which a primary job responsibility consists of meeting, contacting, and dealing with the public in the performance of the duties of that position.

(j) "Substantial Number of Limited English Speaking Persons" shall mean either 10,000 City residents, or 5 percent of those persons who use the Department's services. The Planning Department shall determine annually whether at least 10,000 limited English speaking City residents speak a shared language other than English. The Planning Department shall make this determination by referring to the best available data from the United States Census Bureau or another reliable source and shall certify its determination to Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those limited English speaking persons who use the Department's services citywide speak a shared language other than English. Departments shall make this determination using either of the following methods:

(1) Conducting an annual survey of all contacts with the public made by the Department during a period of at least two weeks, at a time of year in which the Department's public contacts are to the extent possible typical or representative of its contacts during the rest of the year, but before developing its annual compliance plan required by Section 91.9 of this Article; or

(2) Analyzing information collected during the Department's intake process. The information gathered using either method shall also be broken down by Covered Department Facility to determine whether 5 percent or more of those persons who use the Department's services at a Covered Department Facility are limited English speaking persons who speak a shared language other than English for purposes of Section 91.2(d) of this Article. Departments may not use any other method unless approved prior to its use by the Commission.

(k) "Tier 1 Departments" shall mean the following City departments: Adult Probation Department, Department of Elections, Department of Human Services, Department of Parking and Traffic, Department of Public Health, Department of Public Transportation, District Attorney's Office, Emergency Communications Department, Fire Department, Juvenile Probation Department, Police Department, Public Defender's Office, Department of Aging and Adult Services, Rent Stabilization and Arbitration Board, and Sheriff's Office.

(l) "Tier 2 Departments" shall mean all City departments not specified as Tier 1 Departments that furnish information or provide services directly to the public and consist of at least 30 full-time City

employees. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001; amended by Ord. 187-04, File No. 040759, App. 7/22/2004)

SEC. 91.3. EQUAL ACCESS TO SERVICES.

(a) Utilizing sufficient Bilingual Employees in Public Contact Positions, Departments shall provide information and services to the public in each language spoken by a Substantial Number of Limited English Speaking Persons or to the public served by a Covered Department Facility in each language spoken by a Concentrated Number of Limited English Speaking Persons. Departments comply with their obligations under this Section if they provide the same level of service to Limited English Speaking Persons as they provide English speakers.

(b) Departments need only implement the hiring requirements in this ordinance by filling public contact positions made vacant by retirement or normal attrition. Nothing herein shall be construed to authorize the dismissal of any City employee in order to carry out this ordinance.

(c) This Article shall be interpreted and applied so as to be consistent with Title VII of the Civil Rights Act of 1964, California's Fair Employment and Housing Act, and Article X of the San Francisco Charter and so as not to impede or impair the City's obligations to comply with any court order or consent decree. (Added by Ord. 128-01, File No. 011051, App. 6/15/2001)

SEC. 91.4. TRANSLATION OF MATERIALS.

Tier 1 Departments shall translate the following written materials that provide vital information to the public about the Department's services or programs into the language(s) spoken by a Substantial Number of Limited English Speaking Persons: applications or forms to participate in a Department's program or activity or to receive its benefits or services; written notices of rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services, including the right to appeal any Department's decision; written tests that do not assess English language competency, but test competency for a particular license or skill for which knowledge of written English is not required; notices advising limited English-proficient persons of free language assistance; materials explaining a Department's services or programs; complaint forms; or any other written documents that have the potential for important consequences for an individual seeking services from or participating in a program of a city department.

(b) Tier 2 Departments shall translate all publicly-posted documents that provide information (1) regarding Department services or programs, or (2) affecting a person's rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services into the language(s) spoken by a Substantial Number of Limited English Speaking Persons.

(c) Departments required to translate materials under the provisions of this Section shall post notices in the public areas of their facilities in the relevant language(s) indicating that written materials in the language(s) and staff who speak the language(s) are available. The notices shall be posted prominently and shall be readily visible to the public.

(d) Departments required to translate materials under the provisions of this Section shall ensure that their translations are accurate and appropriate for the target audience. Translations should match literacy levels of the target audience.

(e) Each Department shall designate a staff member with responsibility for ensuring that all translations of the Department's written materials meet the accuracy and appropriateness standard set in Subsection (d) of this Section. Departments are encouraged to have their staff check the quality of written

translations, but where a Department lacks biliterate personnel, the responsible staff member shall obtain quality checks from external translators. Departments are also encouraged to solicit feedback on the accuracy and appropriateness of translations from bilingual staff at community groups whose clients receive services from the Department.

(f) Departments shall comply with the requirements of this Section within one year of the enactment of this Article. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.5. DISSEMINATION OF TRANSLATED MATERIALS FROM THE STATE AND FEDERAL GOVERNMENT.

If the State or federal government or any agency thereof makes available to a Department written materials in a language other than English, the Department shall maintain an adequate stock of the translated materials and shall make them readily available to persons who use the Department's services. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.6. PUBLIC MEETINGS AND HEARINGS.

(a) City Boards, Commissions and Departments shall not be required to translate meeting notices, agendas, or minutes.

(b) Oral interpretation of any public meeting or hearing held by a City Board, Commission or Department shall be provided if requested at least 48 hours in advance of the meeting or hearing in question. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.7. RECORDED TELEPHONIC MESSAGES.

All Departments with recorded telephonic messages about the Department's operation or services shall maintain such messages in each language spoken by a Substantial Number of Limited English Speaking Persons or where applicable a Concentrated Number of Limited English Speaking Persons. Such Departments are encouraged to include in the telephonic messages information about business hours, office location(s), services offered and the means of accessing such services, and the availability of language assistance. If the Department is governed by a commission, the messages shall include the time, date, and place of the commission's meetings. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.8. COMPLAINT PROCEDURE.

(a) Departments shall allow persons to make complaints alleging violation of this Article to the Department in each language spoken by a Substantial Number of Limited English Speaking Persons. The complaints may be made by telephone or by completing a complaint form.

(b) Departments shall document actions taken to resolve each complaint and maintain copies of complaints and documentation of their resolution for a period of not less than 5 years. A copy of each complaint shall be forwarded to the Commission within 30 days of its receipt. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.9. COMPLIANCE PLANS.

(a) Each Department shall draft and file with the Commission an annual compliance plan. Each Department shall file its first plan within 90 days of the enactment of this Article to assess what actions

the Department needs to take to come into compliance. Thereafter, each Department shall file a plan by February 1 of each year.

(b) Each plan filed by a Department shall contain the following information:

(1) The number and percentage of limited English speaking persons who actually use the Department's services citywide, listed by language other than English, using either method in Section 91.2(j) of this Article;

(2) The number and percentage of limited English speaking residents of each District in which a Covered Department Facility is located and persons who use the services provided by a Covered Department Facility, listed by language other than English, using either method in Section 91.2(j) of this Article;

(3) The number of Public Contact Positions in the Department;

(4) The number of Bilingual Employees in Public Contact Positions, their titles, office locations, the language(s) other than English that the persons speak;

(5) A description of any use of telephone-based interpretation services, including the number of times such services were used and the language(s) for which they were used;

(6) A narrative assessment of the procedures used to facilitate communication with Limited English Speaking Persons, which shall include an assessment of the adequacy of the procedures;

(7) A numerical assessment of the additional Bilingual Employees in Public Contact Positions needed to meet the requirements of Section 91.3 of this Article;

(8) If assessments indicate a need for additional Bilingual Employees in Public Contact Positions to meet the requirements of Section 91.3 of this Article, a description of the Department's plan for filling the positions, including the number of estimated vacancies in Public Contact Positions;

(9) The name, title, and language(s) other than English spoken (if any) by the staff member designated with responsibility for ensuring the accuracy and appropriateness of translations for each language in which services must be provided under this Article;

(10) A list of the Department's written materials required to be translated under this Article, the language(s) into which they have been translated, and the persons who have reviewed the translated material for accuracy and appropriateness;

(11) A description of the Department's procedures for accepting and resolving complaints of an alleged violation of this Article;

(12) A copy of the written policies on providing services to Limited English Speaking Persons;

(13) A list of goals for the upcoming year and, for all plans except the first, an assessment of the Department's success at meeting last year's goals; and

(14) Any other information requested by the Commission necessary for the implementation of this Article. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.10. RECRUITMENT.

It shall be the policy of the City to publicize job openings for Departments' Public Contact Positions as widely as possible including, but not limited to, in ethnic and non-English language media. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.11. COMMISSION RESPONSIBILITIES.

The Commission shall be responsible for monitoring and facilitating compliance with this Article. Its duties shall include: conducting outreach to Limited English Speaking Persons about their rights under this Article; establishing and implementing a procedure to accept and investigate complaints alleging a violation of this Article; reviewing complaints about alleged violations of this Article forwarded from Departments; working with Departments to resolve complaints; maintaining copies of complaints and their resolution for not less than 8 years, organized by department; coordinating a language bank for Departments that choose to have translation done outside the Department and need assistance in obtaining translators; and reviewing compliance plans. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.12. RULES AND REGULATIONS.

In order to effectuate the terms of this Article, the Commission may adopt rules and regulations consistent with this Article. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.13. ENFORCEMENT.

If after an investigation and attempt to resolve an incidence of Department non-compliance, the Commission is unable to resolve the matter, it shall transmit a written finding of non-compliance, specifying the nature of the non-compliance, to the Department, the Department of Human Resources, the Mayor, and the Board of Supervisors. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.14. SEVERABILITY.

If any of the provisions of this Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Article are severable. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

[DRAFT RESOLUTION honoring Bayview Hunters Point Multipurpose Senior Services presented to HRC Commissioners for possible approval on March 9, 2006

WHEREAS, Since 1971, Bayview Hunters Point Multipurpose Senior Services has provided comprehensive services for senior citizens in the Southeastern sector of San Francisco, including to seniors in San Francisco's African American community; and

WHEREAS, Bayview Hunters Point Multipurpose Services provides assistance to those in need through various programs including health screening, food and nutrition services, legal assistance, counseling, recreational activities and educational programs; and

WHEREAS, Bayview Hunters Point Multipurpose Senior Services developed the first residential treatment program in the United States for older adult ex-offenders recovering from drug addiction; and

WHEREAS, The Bayview Hunters Point Multipurpose Senior Services Center has served as an excellent example of community involvement, dedication and service under the caring stewardship of Dr. George W. Davis; now, therefore, be it

RESOLVED, that the San Francisco Human Rights Commission commends the work of Bayview Hunters Point Multipurpose Senior Services, and its commitment and service to the people and communities of San Francisco.

APPROVED AS TO FORM:

MALCOLM A. HEINICKE, HRC Commission Chair

By: _____
SOPHIA SIMPLICIANO
Acting Commission Secretary

MINUTES OF THE REGULAR MEETING OF THE HUMAN RIGHTS COMMISSION
Thursday, March 9, 2006

1. Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:38pm.

Commissioners Present	Commissioners Excused
Cecilia Chung	Khaldoun Baghdadi
Carlota Del Portillo	Mark Dunlop
Malcolm Heinicke	Yoel Kahn
Faye Woo Lee	Nazly Mohajer
Pat Norman	
Ellouise Patton	
Sandra Sohcot	

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HRC Staff Present

Carla Vaughn; Marcus Arana; Larry Brinkin; James Fields; Cynthia Goldstein and Carmen Smith

Guests Present:

Cathy Barnes, City Attorney's Office; Chung Hom Lim, Huy Lu, Michelle Mi, Yukichi Negishi, Alicia Zhao, all from Falun Gong

A quorum was present.

2. Circulate General Communications File

There was no Communications file circulated.

3. Public Comment on Items Not on the Agenda

Alicia Zhao a Falun Gong practitioner gave a follow-up report on what has happened after the SF Chinese New Year Parade. She asked the Commission if a hearing could be scheduled as discussed at previous meetings. Chung Hom Lim and Michelle Mi explained the benefits that they have gotten from their practice of Falun Gong. Yukichi Negishi gave information on what is happening at a secret concentration camp in China. Mr. Negishi stated that he is on a hunger strike to protest this concentration camp. Chair Heinicke thanked all the speakers.

REPORT OF THE CHAIR

4. Report of the Chair

There was no report.

5. Discussion of Possible HRC Long-Term Planning Meeting, HRC Meetings in Various Neighborhoods and Annual Recognition Program

Chair Heinicke stated that he would like to discuss issues, ideas and Commission activities at a planning meeting. This would include new issues and matters that have been brought to the Commission previously. He stated that if the Commission holds community meetings, it should be to talk about issues that the specific community cares about. Commissioner Sohcot suggested setting aside some time to discuss what the Commission is all about. She suggested waiting to have the planning meeting until all advisory committees have held their annual planning sessions. Commissioners Chung and Lee agreed.

Chair Heinicke noted that the consensus is to have the planning meeting on April 27. He stated that he would wait for the March 23rd meeting to discuss if the April 13 Commission meeting should be cancelled due to religious holidays being observed that day.

There was no public comment on this item.

6. Individual Commissioner Reports on Community Activities

Commissioner Sohcot distributed a newsletter prepared by the Rex Foundation. Commissioner Chung invited all Commissioners to attend the commemoration of the 40th Anniversary of the Compton's Cafeteria riot on March 23, 2006.

There was no public comment on this item.

REPORT OF THE DIRECTOR

7. Update on HRC Response to Police Videos

Larry Brinkin stated that the Mayor asked HRC and the Department on the Status of Women to jointly investigate the matter of the disparaging police videos released last year. Mr. Brinkin pointed out that Director Harmon, Cynthia Goldstein and he met with the Director of DOSW to talk about how they would go about this task. They proposed a four phase approach. First an assessment of the situation would be conducted. Second, recommendations would be generated. Third would be when the recommendations are implemented, and the final phase would be to evaluate the implementation effort.

Mr. Brinkin pointed out that they want to hear from the community on this matter and hope that the Police Department and Police Commission will host a series of public hearings with representatives from the Commission on the Status of Women and Human Rights Commission participating as well. Mr. Brinkin also stated that they hope to review all of the videos at issue.

There was discussion among the Commissioners on this item regarding the incidents, police department culture, policies and timeline. Mr. Brinkin noted that this effort is on hold at the direction of the Mayor's office until the Mayor's Blue Ribbon Task Force is formed.

There was no public comment on this item.

8. Update on Chapter 14B Local Business Enterprise Legislation

Acting Director Goldstein stated that Supervisor Ma's Legislative Aide, Janry Mak, is on leave and temporarily is being replaced by Bill Barnes. She stated that Mr. Barnes has been meeting with many people involved with the Ordinance. Ms. Goldstein noted that Deputy City Attorney Cathy Barnes is now in charge of drafting the legislation, and that the Rules Committee is now composed of Supervisors

Ammiano, Mirkarimi and Elsbernd. She stated that as soon as she receives a draft of the legislation she will distribute a copy to Commissioners and stakeholders for their input.

There was no public comment on this item.

9. Report on the Requirements of the Equal Access to Services Ordinance, S.F. Admin. Code Chapter 91

Deputy City Attorney Cathy Barnes stated S.F. Admin Code Chapter 91, the Equal Access to Services Ordinance, was passed in 2001. Ms. Barnes pointed out that Chapter 91 is intended to provide translation services for individuals who come to the City for benefits and services. Requests for translation services should be at least 48 hours in advance. She said that under the American with Disabilities Act (ADA), if someone is hearing impaired it is required that interpretation services be provided. However, non-English speaking individuals are not considered disabled under the ADA, so while translation services are offered when requested in advance, the same level of access is not required by law.

There were no public comments on this item.

DIVISION REPORT

10. Lesbian Gay Bisexual Transgender and HIV Division Update on Medical Community's Response to HRC Intersex Report

Marcus Arana stated that since the release of the HRC's report on April 2005, UCSF has convened its own taskforce to examine its approach to dealing with children with intersex anatomies. Mr. Arana stated that the taskforce is in the final stage of drafting its own report with its own recommendations. Mr. Arana pointed out that various groups have asked that the report be translated into different languages.

Commissioner Norman commended Mr. Arana, Larry Brinkin and Cynthia Goldstein for their wonderful work on the report. Mr. Arana suggested that the Commission continue to work with UCSF on the local level. Chair Heinicke asked that Mr. Arana report back to the Commission with an update on where UCSF's taskforce is on this matter.

There was no public comment on this item.

REGULAR BUSINESS

11. Resolution Commending the Bayview Hunters Point Multipurpose Senior Services Center

Carmen Smith stated that each day the Center serves 55-60 clients through their various programs and services. Ninety percent of the clients served are African Americans. The other 10% are from other diverse groups. Ms. Smith gave a brief history of how the Center started. Chair Heinicke suggested amending the resolution to add a statement saying the commendation is in conjunction with Black History Month. With the amendment the resolution was passed. Moved (Sohcot) and Seconded (Lee).

There was no public comment on this issue.

12. Discussion and Possible Approval of Resolution Commending an Individual Or Organization Serving the Women's Community

Commissioner Chung suggested honoring two groups in commemoration of International Women's Day: Homeless Prenatal Program and the Oshun Center for women who are battered and disenfranchised. Commissioner Lee suggested the Commission consider honoring an organization in Chinatown that serves orphaned girls and victims of domestic violence. Chair Heinicke suggested that nominees be forwarded to staff who will work with him on how to present this as an action item at the next Commission meeting.

There was no public comment on this item.

13. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items

Commissioner Norman presented an issue on the Navajo tribe in Arizona stating that their land may be taken away under a Congressional Bill that is pending. She pointed out that although this matter is not a San Francisco issue, it is a human rights issue. She asked what the Commission could do to help. Chair Heinicke pointed out that this is a federal policy matter and stated that because of the Commission's jurisdiction there was little the Commission could do. Commissioner Norman suggested that writing letters as individual could help stop the Bill.

Commissioner Sohcot announced that the Issues Committee would be presenting a draft of the report of the Real I.D. Act hearing at the next Commission meeting.

There was no discussion on this item.

14. Adjournment

Chair Heinicke adjourned the meeting. There being no further business, the meeting was adjourned at 6:50 pm.

**NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary. **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, March 23, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Malcolm A. Heinicke, *Chair*
Khaldoun A. Baghdadi, *Vice Chair*
Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

HRC CALENDAR March/April 2006

March 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 08
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 09
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

March 15
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 21
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 23
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

April 06
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 12 TBD
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 13 TBD
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

April 18
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 19
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 27
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of Minutes of Commission Meeting of February 9, 2006
   Presenter: Carla Vaughn
   Action Item - Attachment provided

5. Approval of Minutes of Commission Meeting of February 23, 2006
   Presenter: Carla Vaughn
   Action Item - Attachment provided

REPORT OF THE CHAIR

6. Report of the Chair
   Discussion Item - No attachment

7. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

8. Presentation of Chapter 14A Waiver Report for February 2006
   Presenter: James Fields
   Discussion Item - Attachments provided

ADVISORY COMMITTEE REPORTS

9. Employment Committee: Report of March 2, 2006 Meeting
   Commissioner Faye Woo Lee
   Commissioner Carlota del Portillo
   Commission Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
   Discussion Item - No attachment

10. Issues Committee
Commissioner Ellouise Patton
Commissioner Sandra Sohcot
Committee Staff: Emil De Guzman, Melinda Kanios, Carmen Smith

a. Report of March 8, 2006 Meeting
Discussion Item - No attachment

b. Presentation and Possible Approval of Draft Report on the Real ID Act
Presenter: Emil De Guzman
Discussion Item - Attachment to be provided

11. Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of March 15, 2006 Meeting
Commissioner Khaldoun Baghdadi
Commissioner Yoel Kahn
Commissioner Nazly Mohajer
Commission Staff: Selormey Dzikunu, James Fields, Bayard Fong
Discussion Item - No attachment

12. Lesbian Gay Bisexual Transgender Advisory (LGBT) Committee Report of March 21, 2006 Meeting
Commissioner Cecilia Chung
Commissioner Mark Dunlop
Commissioner Pat Norman
Committee Staff: Larry Brinkin, Hadas Rivera-Weiss, Domenic Viterbo
Discussion Item - No attachment

REGULAR BUSINESS

13. Presentation of Resolution Commending Bayview Hunters Point Multipurpose Senior Services
Presenter: Carmen Smith
Discussion Item - No attachment

14. Consideration and Possible Approval of Resolution Commending OSHUN House in honor of International Women's Day
Presenter: Hadas Rivera-Weiss
Action Item - Attachment to be provided

15. Consideration and Possible Approval of Cancellation of HRC Meeting of April 13, 2006
Action Item - No attachment

16. Consideration and Possible Approval of Location Change of Commission Planning Meeting
Action Item - No attachment

17. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items.

18. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures

The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at HRC Meetings and to write letters to the HRC and to its members: 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. Agendas are available on the internet at www.sfhrc.org. THE AGENDA PACKET IS AVAILABLE AT THE HRC MAIN OFFICE, 25 VAN NESS AVENUE, SUITE 800, RECEPTION DESK. Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact the Commission Secretary at 415-252-2500.

Disability Access

The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, the Human Rights Commission Secretary may be contacted at 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

MEMORANDUM

TO: Chair, Malcolm A. Heinicke and Members of the Human Rights Commission

FROM: James F. Fields
Senior Contract Compliance Officer

DATE: March 1, 2006

SUBJECT: Chapter 14.A Waiver Report

Per your request please find waivers reviewed for February 2006.

No. 1 Sole Souree/Subeontracting Goal, Granted: Metropolitan Transportation Agency (MTA) requested sole source and subcontracting goal waivers for American Public Transit Association (APTA) to perform peer review of MTA's accident prevention and investigation program. The waiver was granted because APTA is a public entity. $12,000.00.

No. 2 Sole Source, Granted: Department of Public Health (DPH) requested a sole source waiver for KCI Therapeutic Services to provide medical equipment (Wound Vac). The Wound Vac apparatus is fairly new technology designed to clean, reduce and prevent pressure ulcers. It is used to treat patients at Laguna Honda Hospital. The waiver was granted because the Wound Vac is only available through KCI Therapeutics. $150,000.00.

No. 3 Sole Souree, Granted: DPH requested a sole source waiver for Paragard Direct to provide medical supplies (Paragard IUDs). The waiver was granted because the medical supplies are physician prescribed and purchasing authority is provided through Administrative Code Section 21.5(d) for Proprietary Articles described in Prop 6. Paragard is the manufacturer and sole distributor of the medical products. $100,000.00.

No. 4 Sole Souree, Granted: DPH requested a sole source waiver for SFG Imaging Consultants, Inc. to provide as-needed, Traveling Radiology Registry personnel to fill vacant positions at the Radiology Department at San Francisco General Hospital. As of January 19, 2006 the following Radiology Department positions have been unfilled:

One (1) Diagnostic Imaging Technologist I (Class 2467) vacant since July 2005,
Two (2) Technicians recently submitted resignations,
Five (5.6) Diagnostic Imaging Technologist II positions, and
One (1) Diagnostic Imaging Technologists IV (Class 2470) is vacant.

In January 2005, DPH issued an RFP to seek qualified vendors to provide temporary, as-needed, on-call radiology technician staff to alleviate shortages. The waiver was granted because there are no other trained and experienced personnel or vendors available.

No. 5 Sole Source, Granted: DPH requested a sole source waiver for Depuy Orthopedics to provide medical supplies (orthopedic implants). The waiver was granted because Depuy Orthopedics is the sole source for physician prescribed orthopedic implants, supplies and consumables. $200,000.00.

No. 6 Sole Source, Granted: DPH requested a sole source waiver for Depuy Mitek to provide medical supplies (screws, sutures, instruments and consumables). The waiver was granted because Depuy Mitek is the sole source for physician prescribed products for anterior/posterior cruciate ligament repairs.

No 7. Sole Source, Granted: DPH requested a sole source waiver for InfoMC to provide software maintenance for programs used by the Community Mental Health Services unit. The waiver was granted because InfoMC is the sole source for maintenance and additional workstation licenses for proprietary case-tracking software. $250,000.00.

No. 8. Sole Source, Granted: DPH requested a sole source waiver for Bayer Healthcare LLC to provide DPH Microbiology Laboratory supplies (Chiron HIV viral load diagnostic kits). The waiver was granted because Bayer Healthcare LLC is the sole source for proprietary medical test kits. $500,000.00.

No. 9 Sole Source, Granted: DPH requested a sole source waiver for Greyhound Lines LLC to provide non-refundable bus transit tickets for long distance land travel for mental health clients in need of treatment in other cities. The waiver was granted because Greyhound Lines LLC is the sole source for non-refundable bus tickets for long distance travel. $40,000.00.

No. 10 Sole Source, Granted: DPH requested a sole source waiver for Biomerieux Inc to provide laboratory supplies (ELIA test reagents). The waiver was granted because Biomerieux Inc is the sole source for medical supplies used in oral HIV screening. $110,000.00.

No. 11 Sole Source, Granted: DPH requested a sole source waiver for Guidant Corp to provide medical equipment (pacemakers). The waiver was granted because Guidant Inc is the sole source for physician prescribed pacemakers and repairs. $130,000.00.

No. 12 Sole Source, Granted: DPH requested a sole source waiver for Johnson & Johnson Health Care Systems Inc for the acquisition of John & Johnson Health Care System manufactured products and proprietary maintenance services. The waiver was granted because the manufacturer is the sole source for maintenance, replacement parts and consumables compatible with existing equipment. $500,000.00.

No. 13 Sole Source, Granted: Public Utilities Commission (PUC) Wastewater Enterprise Division requested a sole source waiver for Teltronics to establish a blanket purchase order to provide parts and service to its "Harris" phone system. The waiver was granted because Teltronics is the sole source for maintenance and repair of this proprietary telephone system. $45.000.00.

No. 14 Sole Source, Granted: Department of Telecommunications and Information Services (DTIS) requested a sole source waiver for Metrocall Wireless for paging services. The waiver was granted because Metrocall Wireless is the sole source in the Bay Area licensed by the Federal Communications Commission (FCC) to use the radio frequency dedicated to the health care industry. $98,000.00.

S.F. Admin. Code Chapters 12D.A and 14A
Waiver Utilization 2002-2005

This document presents a brief overview of the S.F. Administrative Code Chapters 12D.A and 14A waivers requested by City departments over the four year period from January 1, 2002 through December 31, 2005. Of the 731 waivers processed, nearly fifty percent were requested by three departments: 30% were requested by the Department of Public Health, 12.5% by the Public Utilities Commission and 7% by the Department of Public Works. (See Fig. 1.)

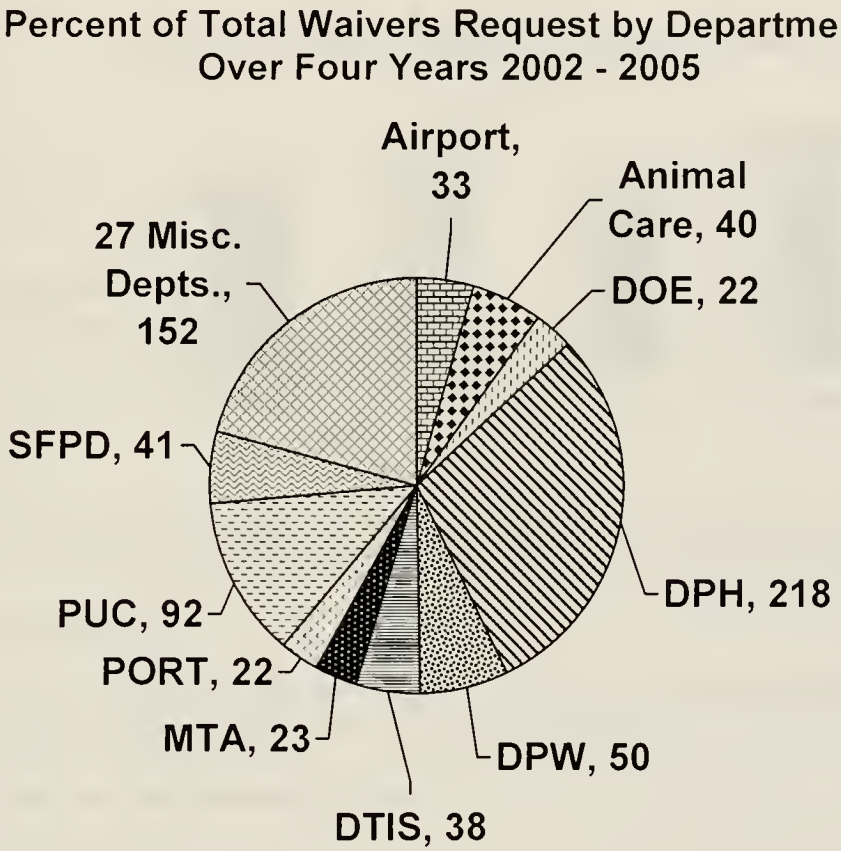


Fig. 1.

Figure 2 looks at departments that requested a total of twenty or more waivers over the four year period, to depict any variances in rates of use from year to year. Utilization rates appear to remain relatively constant.

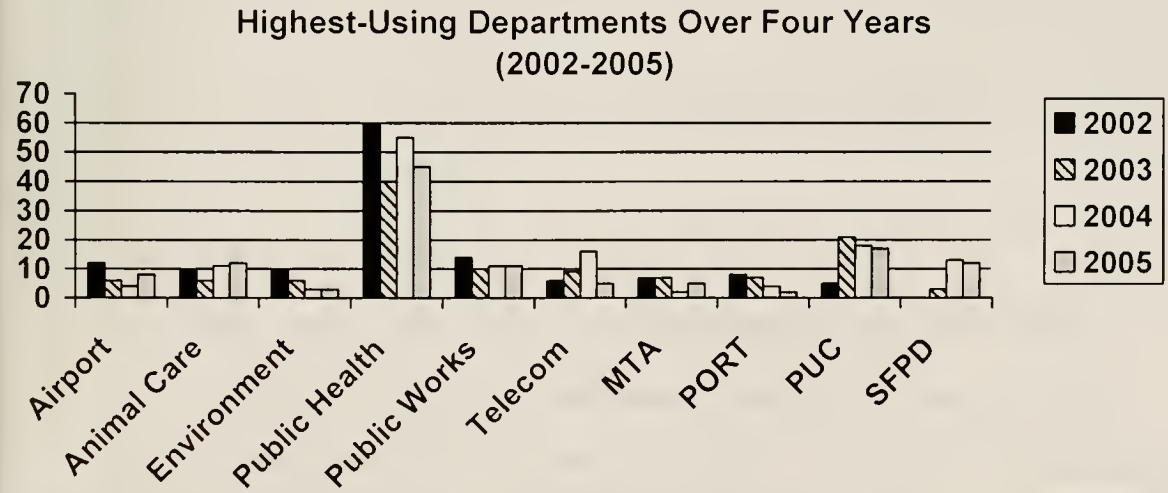
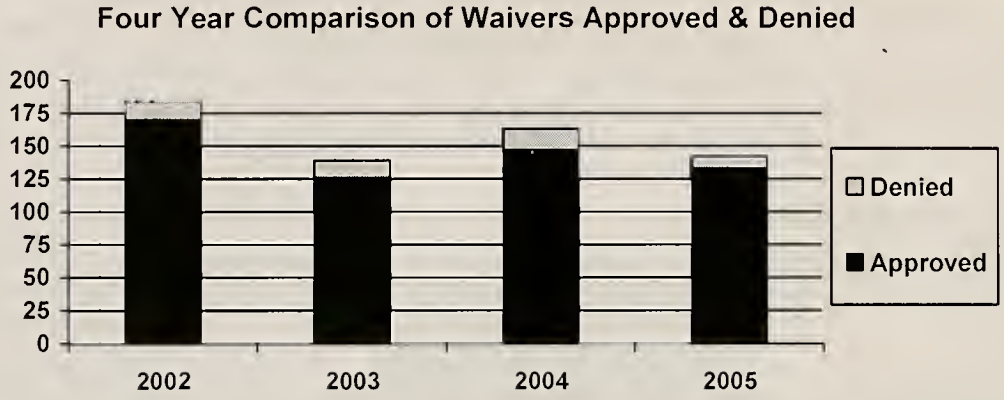


Fig. 2.

The third chart compares the number of waivers requested and the ratio of waivers approved and denied on an annual basis over the four year period.[1] The difference in waiver use from the most active year (184 in 2002) and the least active year (139 in 2003) reflects 45 requests. Given routine changes in departmental contracting cycles and the City's overall level of contracting activity the variations depicted do not seem significant.



[1] Note that a small number of waivers are not reflected on this chart because they were either withdrawn by the requesting department or no action was taken on them by the HRC because they were improperly filed or filed with incomplete documentation.

MINUTES OF THE REGULAR MEETING OF THE HUMAN RIGHTS COMMISSION Thursday, March 23, 2006

1. Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:40pm.

Commissioners Present	Commissioners Excused
Khaldoun Baghdadi	Cecilia Chung
Mark Dunlop	Carlota Del Portillo
Malcolm Heinicke	Nazly Mohajer
Yoel Kahn	Pat Norman
Faye Woo Lee	
Ellouise Patton	
Sandra Sohcot	

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HRC Staff Present

Carla Vaughn; Frank Anderson; Larry Brinkin; Emil De Guzman; James Fields; Cynthia Goldstein; Kabir Hypolite; Hadas Rivera-Weiss and Carmen Smith

Guests Present:

Huy Lu, Yukichi Negishi, Ivailo Auguelov all from Falun Gong; Frank Williams, Sharon Williams, from Bayview Hunters Point Multipurpose Senior Services; and Gwen Kaplan, Ace Mailing

A quorum was present.

NOTE: Chair Heinicke announced that a copy of the Charter provisions affecting the Human Rights Commission is included in the Commissioners' binders.

2. Circulate General Communications File

A Communications file was circulated.

3. Public Comment on Items Not on the Agenda

Ivailo Auguelov spoke on behalf of Falun Gong about a secret concentration camp in China. Huy Lu stated that witnesses report that human organs are being harvested at the camp. Yukichi Negishi stated that his car and the cars of two other Falun Gong practitioners were broken into and that only materials relating to Falun Gong were taken and not other valuable items. Gwen Kaplan, CEO of Ace Mailing spoke about a City contract that she is having a problem with and wanted to know who she can speak with on staff to resolve the matter. Cynthia Goldstein referred Ms. Kaplan to Senior Contract Compliance Officer James Fields.

APPROVAL OF MINUTES

4. Approval of Minutes of Commission Meeting of February 9, 2006

5. Approval of Minutes of Commission Meeting of February 23, 2006

Vice Chair Baghdadi moved to approve the minutes. Commissioner Dunlop seconded.

There was no public comment on these items.

REPORT OF THE CHAIR

6. Report of the Chair

Chair Heinicke talked about the letter to Brian Cahill, Executive Director of the Catholic Charities of the Archdiocese of San Francisco written by Acting Director Cynthia Goldstein expressing concerns about possible changes to their policy on placing children for adoption based on the sexual orientation of the prospective parents. Ms. Goldstein noted that the Administrative Code requires companies that are contracting with the City to not discriminate in any way including in public accommodations.

There was no public comment on this item.

7. Individual Commissioner Reports on Community Activities

Commissioner Patton reported that the Redevelopment Agency's plan in the Bayview Hunters Point area will be moving to the Board of Supervisors. She asked what role HRC could play in making sure the plan is properly implemented. Commissioner Kahn announced that on Monday, April 3rd the SF Jewish Community Center will be hosting their annual Passover Freedom Seder. He invited everyone to come and join the celebration. Commission Dunlop stated that he was at an award celebration at the McGeorge School of Law where they have opened up a scholarship for any person pursuing LGBT law.

There was no public comment on this item.

REPORT OF THE DIRECTOR

8. Presentation of Chapter 14A Waiver Report for February 2006

James Fields gave the waiver report for February 2006. Mr. Fields gave a brief summary on the utilization of waivers during the past few years and on the process of obtaining waivers.

Acting Director Goldstein introduced HRC's new intern, Anna Litvak, who will be assisting the Issues Committee. Ms. Likvak is a first year student at New College Law School.

There was no public comment on this item.

ADVISORY COMMITTEE REPORTS

9. Employment Committee: Report of March 2, 2006 Meeting

Kabir Hypolite reported that the March 2, 2006 meeting was a planning session where the Committee came up with fourteen priority items that they will be considering. He highlighted the top four issues: Proposition I, which requires an economic analysis of pending legislation; City Build program, youth employment opportunities, and the impact of limited language access to the general education diploma (GED). Mr. Hypolite also reported that the Committee gave an orientation for the new members. Commissioner Lee added that the Committee had a very productive meeting.

There was no public comment on this item.

10. Issues Committee

Chair Heinicke announced that he has appointed Commissioner Norman to the Issues Committee.

a. Report of March 8, 2006 Meeting

Emil De Guzman stated that Commissioner Patton reported on the Redevelopment plan on 3rd Street. Mr. De Guzman pointed out that there's a lot of concern regarding employment on this project in the Bayview Hunters Point community. He reported that the Committee's planning session will be held on Saturday, March 25, 2006 at 25 Van Ness Street, Rm. 70.

Mr. De Guzman noted that the REAL ID Act Report and brochure were passed out at the February meeting. The Committee recommended the report to the full Commission. The brochure has been sent back for further editing. The Committee voted to reappoint nine former members. Names of potential new members will be sent to the Commission Chair for consideration.

The Committee decided to nominate Susan Saylor for the Human Rights Commission's annual Fair Housing Award. She was the Attorney who represented HRC client Shirley Carper.

b. Presentation and Possible Approval of Draft Report on the Real ID Act

Mr. De Guzman stated the report summarizes and clarifies what they learned at the hearing. This report will establish San Francisco as a leader and role model for other on this issue. There were suggestions from Commissioner Kahn to make the report more objective. Chair Heinicke recommended giving more time for review of the report and rescheduling the revised report at a later Commission meeting.

There was no public comment on this item.

11. Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of March 15, 2006 Meeting

James Fields stated that issues associated with the trucking industry were on their agenda. Mr. Fields gave a brief overview of these concerns. A taskforce has been formed to look into the matter further.

Mr. Fields stated that existing members have been asked to identify whether they are interested in serving for another year. The Committee has received two resumes of potential new members that will be presented to the Commission Chair for consideration.

There was no public comment on this item.

12. Lesbian Gay Bisexual Transgender Advisory (LGBT) Committee: Report of March 21, 2006 Meeting

Hadas Rivera-Weiss reported that there were twelve new members as well as twelve remaining members. The Committee retreat is scheduled for Sunday, April 9, 2006. Commissioner Dunlop added that the diversity of the group was very much welcomed and thanked Commissioner Chung for her help in generating interviews among a diverse pool of applicants.

There was no public comment on this item.

REGULAR BUSINESS

13. Presentation of Resolution Commending Bayview Hunters Point Multipurpose Senior Services

Chair Heinicke read into the record the Resolution presented to Frank Williams and Sharon Williams from the Bayview Hunters Point Multipurpose Senior Services center. Ms. Williams thanked the

Commission. Mr. Williams stated that he was overwhelmed by the Resolution and honored to accept it on behalf of Dr. George Davis. He also thanked Commissioner Patton for all the wonderful work that she has done with the Center. Chair Heinicke described his experience working with Ms. Williams and the Center and congratulated them on their dedication and the work that they do.

There was no public comment on this issue.

14. Consideration and Possible Approval of Resolution Commending OSHUN House in Honor of International Women's Day

Hada Rivera-Weiss presented the Resolution honoring OSHUN House. Ms. Rivera-Weiss pointed out that their program focuses primarily on serving women in the Tenderloin area. Vice Chair Baghdadi moved to accept the Resolution. Commissioner Dunlop seconded and the Resolution was passed.

There was no public comment on this item.

15. Consideration and Possible Approval of Cancellation of HRC Meeting of April 13, 2006

Due to religious observances on the date of the next Commission meeting, it was voted unanimously that the meeting be cancelled.

There was no public comment on this item.

16. Consideration and Possible Approval of Location Change of Commission Planning Meeting

The Commission Meeting on Thursday, April 27, 2006, will be held at 25 Van Ness Ave., Suite 800, at 4:30 p.m. In preparation for the planning session, Chair Heinicke encouraged Commissioners to talk to people in their communities about what issues they are facing.

There was no public comment on this item.

17. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items

This item was deferred to the April 27, 2006 planning session. Chair Heinicke urged Commissioners to think about specific ideas to talk about at the planning meeting.

Chair Heinicke thanked Cynthia Goldstein as Acting Director. He stated that it has been a pleasure working with her.

There was no discussion on this item.

18. Adjournment

Chair Heinicke adjourned the meeting. There being no further business, the meeting was adjourned at 6:21pm.

**NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary. **

SF Docs

From: Sophia Simpliciano [Sophia.Simpliciano@SFGOV.ORG] **Sent:** Mon 3/27/2006 9:19 AM
To: SF Docs
Cc:
Subject: 4-13-06 HRC MEETING CANCELED
Attachments:

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MAR 27 2006

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* * * C A N C E L E D * * *

Regular Meeting

Thursday, April 13, 2006 at 4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

* * * C A N C E L E D * * *

Attention!

The next meeting of the Human Rights Commission will not be held in City Hall.

The next meeting will be:

April 27, 2006 at 4:30 p.m.
Human Rights Commission Office
25 Van Ness Avenue, Suite 800, Main Conference Room

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Special Meeting Agenda
Commission Planning Session

Thursday, April 27, 2006
4:30 p.m.
25 Van Ness Avenue, Suite 800
Main Conference Room

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ROSTER OF COMMISSIONERS

Malcolm A. Heinicke, *Chair*
Khaldoun A. Baghdadi, *Vice Chair*
Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

HRC CALENDAR April/May 2006

April 06
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 12 TBD
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 13 TBD
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

April 18
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 19
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 27
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

May 04
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 10
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 11
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

May 16
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 17
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 25
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REGULAR BUSINESS

4. Discussion and Prioritization of Commission Issues and Activities in 2006 - 2007
   Discussion item - No attachment

5. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures

The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at HRC Meetings and to write letters to the HRC and to its members: 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. Agendas are available on the internet at www.sfhrc.org. THE AGENDA PACKET IS AVAILABLE AT THE HRC MAIN OFFICE, 25 VAN NESS AVENUE, SUITE 800, RECEPTION DESK. Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact the Commission Secretary at 415-252-2500.

Disability Access

The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, the Human Rights Commission Secretary may be contacted at 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

City and County of San Francisco
Human Rights Commission

April 27, 2006
MINUTES OF THE SPECIAL MEETING OF THE HUMAN RIGHTS COMMISSION

1. Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:37 p.m.

Commissioners Present	**Commissioners Excused**
Khaldoun Baghdadi	**Nazly Mohajer**
Cecilia Chung	
Carlota Del Portillo	
Mark Dunlop	
Malcolm Heinicke	
Yoel Kahn	
Faye Woo Lee	
Pat Norman	
Ellouise Patton	
Sandra Sohcot	

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HRC Staff Present

Frank Anderson; Marcus Arana; Larry Brinkin; Linda Chin; Maria Cordero; Emil De Guzman; Selormey Dzikunu; James Fields; Bayard Fong; Cynthia Goldstein; Kabi Hypolite; Veronica Ng; Mary Gin Starkweather and Domenic Viterbo

Guests Present:

Melchor Bustamante

A quorum was present.

2. Circulate General Communications File

A Communications file was circulated.

3. Public Comment on Items on the Agenda

There was no public comment.

REGULAR BUSINESS

4. Discussion and Prioritization of Commission Issues and Activities in 2006 - 2007

Chair Heinicke stated that the Commissioners have been working with their

Committees on what the Commission can do on certain issues. He encouraged everyone to stay focused on the HRC's purpose and stated that the goal of the Commission is to address issues of discrimination based on various classifications and to ease intergroup tensions among people within the City andCounty of San Francisco. Chair Heinicke noted that the Commission is limited in jurisdiction and resources. Chair Heinicke pointed out that after each Committee's issues have been presented, he would like to set up a schedule outlining how the various concerns should be handled. He reminded everyone that the goal was to pick the issues that the Commission is going to address over the next year.

Vice Chair Baghdadi encouraged the Commissioners to define the issues being considered by their Committees and clearly state what the Commission can do to help address them. Cynthia Goldstein described the types of activities the Commission has typically engaged in, such as: holding hearings, issuing resolutions and commendations, working on reports outside the hearing context, developing other public information materials, such as brochures. Ms. Goldstein reminded Commissioners that they play an important role as ambassadors for the Commission, taking HRC's work to their communities and the events they attend and then bringing back to the Commission the issues and concerns that are being raised in the community. Chair Heinicke added that the Commission gives a voice and a place for people who might not otherwise be heard.

DBE Advisory Committee

Chair Heinicke announced that the Disadvantaged Business Enterprise (DBE) Ordinance was passed by the Rules Committee and that the Human Rights Commission has maintained jurisdiction over the program's enforcement. Veronica Ng explained the roles of the HRC and the Public Utilities Commission (PUC). Ms. Ng stated that HRC will be certifying firms for the PUC service areas and that all monitoring work will stay with HRC.

Vice Chair Baghdadi stated that once the new Ordinance is in place, there are a number of significant issues that the Committee can assist in addressing, such as the drafting of the Rules and Regulations. He added that included in the Rules and Regulations will be guidelines for the certification of non-profit DBEs.

Vice Chair Baghdadi reported that the Committee also is looking at the issue of prompt payment and how this issue is handled by other agencies. He noted that the Committee is looking at holding a hearing and then writing up a report and recommendations to bring to the Commission for review.

James Fields noted that the Committee also is interested in working on strengthening the Surety Bond Program. He explained that for each bidding opportunity, the contractor is required to put up 10% of the bid price for the contract. He noted that the bonding program's resources need to be increase. Vice Chair Baghdadi pointed out that this issue will need to be discussed at the Committee level before recommendations are brought to the Commission.

James Fields noted that project labor agreements also are an issue being considered by the Committee. He stated that almost 100% of HRC's constituents are small contractors that don't have unionized workforces. He explained that for these contractors, project labor agreements can be a barrier to competitively bidding on City Contracts. Mr. Fields stated that issues faced by DBE truckers are going to come before the Committee as well.

Vice Chair Baghdadi acknowledged the hard work of the HRC staff of the DBE

Advisory Committee.

Employment Committee

Kabir Hypolite pointed out that one of the Committee's top priorities is Prop I, a ballot measure that was passed by the voters in 2004. He stated that the economi analysis to be conducted under Prop I may help create job opportunities for the youth in San Francisco.

Another item the Employment Committee is considering is the general education diploma (GED) exam, which Mr. Hypolite stated is given in English only a few othe languages, such as Spanish and French. He said that this creates a disadvantage to those who speak other languages.

Mr. Hypolite noted that another item the Committee may work on is the needs of emancipated, disabled and former foster youth. Commissioner Patton stated that she has been appointed to the Mayor's taskforce on foster youth and that San Francisco has a large population of in the foster care system. She explained that emancipation occurs when a child is 16 years old and declared as an adult. When they are released from the foster care system, they are given $300. She noted tha African Americans and Asians are the two largest demographics represented and that the number one problem this group faces is homelessness.

Commissioner del Portillo pointed out that this is the area where the Committee ca make a tangible difference. She suggested the Employment Committee look at employment policies so that when these youth are emancipated and no longer being supported by the system, there is an economic plan for their success.

Mr. Hypolite stated that the Committee has been asked to consider the matter of sexual harassment of exotic dancers and a possible ordinance on this topic. He pointed out that the Department on the Status of Women (DOSW) has legislation that is close to being finalized, and that DOSW has asked HRC to support. Commissioner Chung asked if the draft ordinance includes male exotic dancers; Mary Gin Starkweather stated that it does.

Isses Committee

Commissioner Sohcot stated that the Committee had a planning meeting on Marcl 25, 2006. She stated that the top four issues the Committee identified were: fair and affordable housing, disparity of African Americans, immigration restrictions an civil rights and liberties. She pointed out that the Committee will primarily focus on fair and affordable housing and issues faced by the African American community. Commissioner Patton raised concern about evictions by the Housing Authority based on petty nuances issues.

Commissioner Sohcot stated that at this point the Committee is working on finalizing the Real I.D. Act report, which will be brought to the next Commission meeting.

LGBT Advisory Committee

Commissioner Chung reported that the Committee will be forming a taskforce and would like the Commission to hold a hearing on the San Francisco Native Americ community. Commissioner Dunlop pointed out that this is a very important issue that is overlooked in San Francisco. Larry Brinkin noted that the Committee hopes to work with the Issues Committee on this topic.

Commissioner Chung stated that the Committee also will be forming a working group to look at immigration issues. Larry Brinkin stated that the Committee will look at how well organizations serving the immigrant community serve LGBT immigrants and how well organizations serving the LGBT community serve the immigrant community.

Commissioner Dunlop stated that the Committee also will be focusing on racism ir the LGBT community. There will be a work group assigned to focus on this topic and recommend possible Committee and Commission activities. Commissioner Chung noted that the Committee will hold a panel addressing the problems faced by members of the LGBT community who have been labeled as sex offenders as : result of consensual adult behavior.

Chair Heinicke asked the Commissioners to give Vice Chair Baghdadi, Ms. Goldstein and the Commission Secretary an estimate as to when each Committee anticipates wanting the Commission to hold hearings on the issues they've identified.

Ms. Goldstein announced that Director Harmon will return from leave on May 15. Bayard Fong announced that there will be an HRC group attending the Giants Game on Sunday, May 14 and encourage everyone to attend.

Chair Heinicke announced that this will be his fourth year as a Human Rights Commissioner and that he will be stepping down as Chair as soon as a new Chair is elected, which he hopes will be at the next Commission meeting. Vice Chair Baghdadi thanked Chair Heinicke for his service to the Commission and for the pleasure of working with him.

5. Adjournment

There being no further business, Chair Heinicke adjourned the meeting at 6:52 p.r

Adopted on 05-25-06

**NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary. **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Meeting Agenda

Thursday, May 11, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Malcolm A. Heinicke, *Chair*
Khaldoun A. Baghdadi, *Vice Chair*
Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

HRC CALENDAR May/June 2006

May 04
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 10
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 11
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

May 16
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 17
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 25
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

June 01
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 08
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

June 14
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 20
LGBT Advisory Committee Meeting
CANCELED

June 21
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 22
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of Minutes of Commission Meeting of March 9, 2006
   Presenter: Carla Vaughn
   Action Item - Attachment provided

5. Approval of Minutes of Commission Meeting of March 23, 2006
   Presenter: Carla Vaughn
   Action Item - Attachment provided

REPORT OF THE CHAIR

6. Report of the Chair
   Discussion Item - No attachment

7. Possible Approval of New Commission Chair and Vice Chair
   Action Item - No attachment

8. Follow-up on Commission Planning Session and Scheduling of Future Commission Activites
   Discussion Item - No attachment

9. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

10. Presentation of Chapter 14A Waiver Reports for March and April 2006
    Presenter: James Fields
    Discussion Items - Attachments provided

ADVISORY COMMITTEE REPORTS

11. Employment Committee
Report of April 6, 2006 and May 4, 2006 Meetings
Commissioner Faye Woo Lee
Commissioner Carlota del Portillo
Commission Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
Discussion Item - No attachment

12. Issues Committee

a. Report of April 12, 2006 and May 10, 2006 Meetings

b. Review and Possible Approval of Draft REAL ID Act Report
Presenter: Emil DeGuzman
Action Item - Attachment provided

c. Review and Possible Approval of Draft Commendation for Susan Saylor in Observance of National Fair Housing Month
Presenter: Emil DeGuzman
Action Item - Attachment provided
Commissioner Ellouise Patton
Commissioner Pat Norman
Commissioner Sandra Sohcot
Committee Staff: Emil De Guzman, Melinda Kanios, Carmen Smith
Presenter: Emil De Guzman
Action Item - Attachment provided

13. Lesbian Gay Bisexual Transgender Advisory (LGBT) Committee
Report of April 18, 2006 Meeting
Commissioner Cecilia Chung
Commissioner Mark Dunlop
Commissioner Pat Norman
Committee Staff: Larry Brinkin, Hadas Rivera-Weiss, Domenic Viterbo
Discussion Item - No attachment

14. Disadvantaged Business Enterprise (DBE) Advisory Committee
Report of April 19, 2006 Meeting
Commissioner Khaldoun Baghdadi
Commissioner Yoel Kahn
Commissioner Nazly Mohajer
Commission Staff: Selormey Dzikunu, James Fields, Bayard Fong
Discussion Item - No attachment

REGULAR BUSINESS

15. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items.

16. Adjournment

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City and County of San Francisco
Human Rights Commission

May 11, 2006

MINUTES - REGULAR MEETING OF THE HUMAN RIGHTS COMMISSION Thursday, May 11, 2006

1. Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:30 pm.

Commissioners Present	Commissioner Not Present
Khaldoun Baghdadi	Carlota del Portillo
Cecilia Chung	
Mark Dunlop	
Malcolm Heinicke	
Yoel Kahn	
Faye Woo Lee	
Nazly Mohajer	
Pat Norman	
Ellouise Patton	
Sandra Sohcot	

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HRC Staff Present
Frank Anderson; Larry Brinkin; Selormey Dzikunu; Emil De Guzman; James Fields; Cynthia Goldstein; Kabir Hypolite; Veronica Ng; Sophia Simpliciano and Carla Vaughn

Guests Present
Randy Burns, Co Founder of Gay American Indians

A quorum was present.

2. Circulate General Communications File A Communications file was circulated.

3. Public Comment on Items on the Agenda There was no public comment.

APPROVAL OF MINUTES

4. Approval of Minutes of Commission Meeting of March 9, 2006

The minutes of Commission Meeting of March 9, 2006 was presented to the Commission for approval. The approval was moved (Baghdadi) and seconded (Kahn) and was accepted.

There was no public comment on this item.

5. Approval of Minutes of Commission Meeting of March 23, 2006

The minutes of Commission Meeting of March 23, 2006 was presented to the Commission for approval. The approval was moved (Baghdadi) and seconded (Kahn) and was accepted.

There was no public comment on this item.

REPORT OF THE CHAIR

6. Report of the Chair

Chair Heinicke announced that the Mayor signed the new DBE Ordinance prior to the Commission Meeting. He congratulated everyone involved in making it happened, in particular Commissioners Baghdadi, Kahn and Mohajer. He also thanked HRC Staff, James Fields, Selormey Dzikunu and Maria Cordero for their involvement. Chair Heinicke complemented Director Harmon for her tireless work. He noted that the signing of the new Ordinance is a positive move for HRC.

Commissioner Kahn also congratulated the HRC Staff of the DBE Committee and Acting Director Goldstein for their hard work and noted that he was proud to be working with such outstanding staff.

There was no public comment on this item.

7. Possible Approval of New Commission Chair and Vice Chair

Chair Heinicke reminded the Commissioners as discussed from the previous meeting that he was stepping down as Chair of the Commission after serving for the last four years and opened the floor for nomination for the new Commission Chair.

Commissioner Kahn nominated current Vice Chair Baghdadi who has served the Commission and have done an outstanding job as Vice Chair. Seeing no other nomination, all Commissioners accepted and approved the nomination unanimously for Vice Chair Baghdadi as the new Commission Chair. Commissioner Baghdadi accepted his nomination as Commission Chair.

Chair Baghdadi thanked Commissioner Heinicke for his guidance, leadership and his work that he has done for the Commission.

There was no public comment on this item.

8. Follow-up on Commission Planning Session and Scheduling of Future

Commission Activities

Commissioner Chung stated that the LGBT Advisory Committee has a tentative date of October 12, 2006 to hold a hearing on issues affecting the Native American community. Larry Brinkin emphasized that the hearing would have speakers that are experts on various topics. Mr. Brinkin pointed out that after the hearing a report would be generated summarizing the different testimonies. The report would have findings and recommendations and will be sent to different agencies.

Commissioner Norman stated that the Issues Committee would like to participate in a joint hearing with the LGBT Advisory Committee.

Chair Heinicke suggested that it would be good time to schedule a working time line

for the new DBE Ordinance. Acting Director Goldstein stated that the Ordinance goes into effect on September 1, 2006. She pointed out that since the Commission only meets once in July and August it is best that the Rules should be in place before it becomes effective. Chair Baghdadi stated it would be better to wait and see what the actual drafting of the regulation would involve before setting up dates of other hearings for the Commission.

Randy Burns spoke representing the lesbian gay Native American community. Mr. Burns stated that it was long overdue for a hearing to be held on issues regarding problems that face the Native American community. Commissioner Chung will get back to Mr. Burns when a schedule hearing date is set.

There was no public comment on this item.

9. Individual Commissioner Reports on Community Activities

Chair Baghdadi stated that the election for Vice Chair will be agendized at the next Commission meeting.

There was no other report on this item. There was no public comment.

REPORT OF THE DIRECTOR

10. Presentation of Chapter 14A Waiver Reports for March and April 2006

James Fields presented the waiver report for March and April 2006. There was no public comment on this item.

ADVISORY COMMITTEE REPORTS

11. Employment Committee

Report of April 6, 2006 and May 4, 2006 Meetings

Kabir Hypolite reported that they had a speaker on the Exotic Dancers. Mr. Hypolite stated that they are waiting on the Department of the Status of Women to present them with the finalized legislation from the hearing that they conducted.

Mr. Hypolite also reported that in April they had a presentation from the San Francisco Information Technology Consortium. This presentation was on private industry training programs to bridge the digital divide and to make sure there is an adequate numbers of nursing personnel inSan Francisco who are trained in computer systems. The other presentation was on the rapid response program which has to do with employers who know that they will be going to lay off employees and that they could provide training for other types of employment possibilities.

Mr. Hypolite gave a brief overview of what was discussed in the May 4, 2006 meeting. He highlighted the issues on Proposition I, City Build and Youth employment opportunities. Mr. Hypolite also mentioned that the On Wrap Biotech Training Program (I think that is what he said) through City College will have a free orientation in June for an entry level position. He announced that the City Build training academy will have their first graduation on May 12, 2006.

There was no public comment on this item.

12. Issues Committee

a. Report of April 12, 2006 and May 10, 2006 Meetings

Emil De Guzman combined both meetings into a brief report. Mr. De Guzman stated that fair housing was the top priority at the Committees planning session. He pointed that the Committee held a fair housing work group to work with the HRC fair housing unit.

Mr. De Guzman stated that on the May 10, 2006 meeting the Committee reviewed a draft on the Real ID brochure which is an explanation of the law and its violation. He also stated that they are considering a public hearing in conjunction with the LGBT Committee on issues facing the Native American community.

b. Review and Possible Approval of Draft REAL ID Act Report

Commissioner Sohcot thanked Acting Director Goldstein for her participation in revising the report. She noted that they have not gotten any input from the Immigrant Rights Commission on the report.

Commissioner Kahn commented that it was unclear on the recommendation section that was being addressed for the recommendations? He suggested that it should be clearly clarified. Commissioner Chung commented that educating the residents on their rights would be a great impact.

Chair Baghdadi suggested holding off on the approval of the report till the Immigrants Rights Commission have given their input. He thanked everyone involved in putting the report together.

There was no public comment on this item.

c. Review and Possible Approval of Draft Commendation for Susan Saylor in Observance of National Fair Housing Month

Emil De Guzman presented the draft commendation to be presented in a ceremony on May 23, 2006. Chair Heinicke moved to approve the commendation and Commissioner Sohcot seconded and was passed.

There was no public comment on this item.

13. Lesbian Gay Bisexual Transgender Advisory (LGBT) Committee

Report of April 18, 2006 Meeting

Larry Brinkin reported that the Committee discussed their work plan presented at their annual planning session retreat. Mr. Brinkin stated that they formed four workgroups that they formed: the Native American public hearing workgroup, Immigration and Asylum issues, workgroup to look at racism in the LGBT community and a workgroup to look at recruitment and public relations.

Mr. Brinkin pointed out that the Committee talked about the up coming training on diversity and communication. He also announced that Commissioner Chung was appointed the Grand Marshall for the upcoming Pride Day Parade.

There was no public comment on this item.

14. Disadvantaged Business Enterprise (DBE) Advisory Committee

Report of April 19, 2006 Meeting

James Fields reported that before the Ordinance was signed the Committee participated in the Commission planning session. Mr. Fields stated that the task now is to begin to write the Rules and Regulations for the new Ordinance. He pointed out that they will schedule a public hearing after the Ordinance has been reviewed by the Committee and HRC staff.

There was no public comment on this item.

REGULAR BUSINESS

15. Commissioner Discussion on Matters of Interest for Possible Inclusion of

Future Agenda Items

Commissioner Kahn inquired about the plan on holding the Commission meetings in one of the different neighborhood. Chair Baghdadi answered that this item will be discussed in one of the upcoming Commission meeting.

Commissioner Heinicke inquired about the letter received from the Bayview Hunters Point Project Area Committee complaining about a project that has no local hiring. Acting Director Goldstein stated that HRC is preparing a response to the letter.

Commissioner Mohajer suggested holding Commission meetings in different ethnic neighborhood.

There was no public comment on this item.

16. Adjournment

Chair Baghdadi adjourned the meeting. There being no further business, the meeting was adjourned at 6:00 p.m.

**NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary. **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Meeting Agenda

Thursday, May 25, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Khaldoun A. Baghdadi, *Chair*
Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Malcolm A. Heinicke
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

HRC CALENDAR May/June 2006

May 04
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 10
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 11
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

May 16
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 17
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 25
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

June 01
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 08
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

June 14
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 20
LGBT Advisory Committee Meeting
CANCELED

June 21
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 22
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of Minutes of Special, Commission Meeting of April 27, 2006
   Action Item - Attachment to be provided

5. Approval of Minutes of Commission Meeting of May 11, 2006
   Action Item - Attachment to be provided

REPORT OF THE CHAIR

6. Report of the Chair
   Discussion Item - No attachment

7. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

8. Presentation of Implementation Plan for Chapter 14B Ordinance
   Discussion Item - No attachment

9. Update on HRC Budget
   Discussion Item - No attachment

DIVISION REPORT

10. Non-Discrimination in Employment, Housing and Public Accommodations (NEHPA) Division

    a. Report on Reasonable Accommodations Provided by the

California State Bar in the Bar Examination
Present: E. De Guzman
Discussion Item - No attachment

b. Report on the AIDS Legal Referral Panel Fair Housing Training
Present: E. De Guzman
Discussion Item - No attachment

ADVISORY COMMITTEE REPORTS

11. Lesbian Gay Bisexual Transgender Advisory (LGBT) Committee Report of May 16, 2006 Meeting
Commissioner Cecilia Chung
Commissioner Mark Dunlop
Committee Staff: Larry Brinkin, Hadas Rivera-Weiss, Domenic Viterbo
Discussion Item - No attachment

12. Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of May 17, 2006 Meeting
Commissioner Khaldoun Baghdadi
Commissioner Yoel Kahn
Commissioner Nazly Mohajer
Commission Staff: Selormey Dzikunu, James Fields, Bayard Fong
Discussion Item - No attachment

REGULAR BUSINESS

13. Consideration and Possible Approval of Resolution honoring the services of Sgt. Elliott Blackstone
Presenter: Commissioner Chung
Action Item - Attachment provided

13. Presentation of Resolution Commending OSHUN House in honor of International Women's Day
Resolution adopted by the Commission on March 23, 2006
Presenter: H. Rivera-Weiss
Discussion Item - Attachment to be provided

14. Presentation of Commendation for Susan Saylor in observance of National Fair Housing Month
Commendation adopted by the Commission on May 11, 2006
Presenter: E. De Guzman
Discussion Item - Attachment to be provided

15. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items.

16. Adjournment

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[**DRAFT RESOLUTION** honoring the service of Sergeant Elliot Blackstone: presented to HRC Commissioners]

RESOLUTION
Sergeant Elliott Blackstone

Whereas, Sergeant Elliott Blackstone is a courageous pioneer in protecting the rights of the Lesbian Gay Bisexual Transgender (LGBT) community and a pivotal figure in the development and growth of the transgender rights movement; and

Whereas, Sergeant Elliott Blackstone served the City and County of San Francisco as a police officer with the San Francisco Police Department for twenty six years; and

Whereas, Sergeant Elliott Blackstone was a pioneer of community-based policing, and in 1962 became the first liaison between the San Francisco Police Department and the LGBT community; and

Whereas, Sergeant Elliott Blackstone, at great risk to his professional reputation, worked closely with the Mattachine Society, Daughters of Bilitis, and other LGBT community organizations to end police abuse and advocate for police procedures that treated LGBT individuals with dignity and respect; and

Whereas, Sergeant Elliott Blackstone was deeply involved in the establishment of the Central City Anti-Poverty Program in the Tenderloin which was largely staffed by LGBT activists; and

Whereas, Sergeant Elliott Blackstone worked tirelessly to ease conflicts between the police and transgender women and gay men that had previously resulted in the Compton's Cafeteria Riot of 1966 where members of the LGBT community banded together and fought back against police harassment; and

Whereas, Sergeant Elliott Blackstone helped facilitate the first peer support group for transgender people and oversaw the creation of the National Transsexual Counseling Unit, the first peer-staffed transgender services agency; and

Whereas, Sergeant Elliott Blackstone took up a collection at his church to buy hormones and distribute them free of charge to transgender women at a time when city-funded public health clinics would not prescribe hormones to transgender individuals; and

Whereas, Sergeant Elliott Blackstone, in retirement, continues to advocate for the rights of all individuals through his work with the Presbyterian Church(U.S.A);

Now Therefore Be It Resolved, that the City and County of San Francisco Human Rights Commission expresses its appreciation for Sergeant Elliott Blackstone's pioneering vision, commitment and dedication to advancing the human rights of the LGBT community; and

Be It Further Resolved, that the Human Rights Commission commends Sergeant Elliott Blackstone for his many successes and achievements as a strong voice in San Francisco and throughout the nation advocating for the human rights of all people.

City and County of San Francisco
Human Rights Commission

May 25, 2006

MINUTES OF THE REGULAR MEETING OF THE HUMAN RIGHTS COMMISSION
Thursday, May 25, 2006

Call to Order and Roll Call

Chair Baghdadi called the meeting to order at 4:37 p.m.

Commissioners Present	Commissioners Not Present
Khaldoun Baghdadi	Ellouise Patton
Cecilia Chung	
Carlota Del Portillo	
Mark Dunlop	
Yoel Kahn	
Faye Woo Lee	
Nazly Mohajer	
Pat Norman	
Sandra Sohcot	

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HRC Staff Present

Frank Anderson; Marcus Arana; Larry Brinkin; Emil DeGuzman; Cynthia Goldstein; Ed Ilumin; Hadas Rivera-Weiss and Carla Vaughn

Guest Present: Cathy Barnes, Deputy City Attorney

A quorum was present.

2. Circulate General Communications File

There was no General Communications file circulated.

3. Public Comment on Items Not on the Agenda

There was no public comment.

APPROVAL OF MINUTES

4. Approval of Minutes of Special Commission Meeting of April 27, 2006

5. Approval of Minutes of Commission Meeting of May 11, 2006

REPORT OF THE CHAIR

6. Report of the Chair

Chair Baghdadi reminded other Commissioners that it is very important to attend and be at the second meeting of July and second meeting of August in adopting the regulations for the DBE Ordinance. He noted that the Commission would likely have hearings in those meetings.

There was no public comment.

7. Individual Commissioner Reports on Community Activities

Commissioner Lee pointed out that this is Asian Pacific Islander Heritage month and many Asian communities are celebrating this with many activities around the City. Commissioner Chung pointed out that the month of June is Pride month and there will be many activities also going to be around the City. She also mentioned the upcoming 40th Anniversary of the commemoration of the Compton's Cafeteria Riot which took place in 1966. She pointed out that the commemoration will take place on June 20, 2006.

There was no public comment on this item.

REPORT OF THE DIRECTOR

Chair Baghdadi welcomed back Director Harmon. Director Harmon thanked Cynthia Goldstein for her excellent services as the Acting Director.

Presentation of Implementation Plan for Chapter 14B Ordinance

Director Harmon noted that the Mayor has signed the new Ordinance. The Ordinance becomes effective on June 12, 2006. She highlighted the new provisions in the new Ordinance. She also went over the aggressive schedule of hearings and meetings that will take place towards the implementation. The Director stated that the implementation date is September 1, 2006 which all contracts that are advertise after September 1st, will be subject to the new Ordinance.

Director Harmon pointed out that there will be a training session to help implement the program. The training will be for City staff but will still be determined where the training will be held. The training for HRC staff will be at the HRC office conference room scheduled for June 2nd at 1pm. She said any Commissioners are welcomed to attend.

Commissioner Kahn suggested that they would probably need to hold a meeting on August 10th to make sure they have the documents ready. Other Commissioners agreed. Director Harmon pointed out that they would need at least 3 calendars days to notice a meeting if they decided to hold a special August 10th meeting.

Director Harmon pointed out that after the September 1st implementation, there is still opportunity to revisit and continue to take input until modifying or adopting the rules.

There was no public comment on this item.

9. Update on HRC Budget

Director Harmon recognized Cynthia Goldstein's work in putting together HRC's budget. She stated that the department is in a better position. The gap has been reduced to $150,000 and still working to negotiate more work orders to close the gap.

All the Commissioners were very concerned and had many questions regarding filling work orders from department that HRC serves and the Mayor's surplus money where the work deficits could be filled.

Director Harmon pointed out that she will be giving update as the department go through the budget process. She stated that although the Mayor does make budget recommendation to the Board of Supervisors, there will also be series of hearing at the Board through the Budget Committee which will take place at the end of June. Director Harmon noted that the department would know by the end of June where HRC stand for the next fiscal year.

There was no public comment on this item.

DIVISION REPORT

10. Non-Discrimination in Employment, Housing and Public Accommodations

a. Report on Reasonable Accommodations Provided by the California State Bar in the Bar Examination

Emil De Guzman reported on a client that came to HRC about 2 years ago seeking assistance to get public accommodation in taking the California state bar examination. The client is a disabled man, a quadriplegic whose mobility is through an electric wheelchair. Mr. De Guzman stated that the client is a graduate of Hasting Law School and near the top of his class 10 years ago. The client's illness prevented him from taking the bar exam for about seven years.

Three years ago he applied to take the exam. The accommodation that he requested was denied and therefore did not take the exam. Mr. De Guzman pointed out that when he came to HRC he was very desperate because he has been denied at other agencies. Mr. De Guzman informed the client at the time that HRC does not have jurisdiction over a State agency, but would write a letter of concern. During the period, there were a lot of communications in regards to the client's accommodations. Eventually he was able to take the exam in July, 2004 but found out later that he failed the exam.

Mr. De Guzman stated the client again applied to take the exam in July, 2005 with more accommodations that the client requested but was denied. The client was able to find an attorney to represent him through the Public Defender's Office who agreed to represent him, through pro bono. The attorney was also disabled and had previously gone through the process of negotiating accommodations. After all the hard work and helped through other sources, the client was able to take the exam and passed. The client is now preparing to be sworn in as a lawyer.

b. Report on the AIDS Legal Referral Panel Fair Housing Training

Emil De Guzman stated that he helped aid in training by the AIDS Legal Referral Panel on fair housing which is held annually. He stated that there were about 45 attendees from private and public organizations, non profits, including SF Housing Authority, Tenderloin Neighborhood Housing Corporation, SF Mental Health Association, Legal Assistance and the Elderly and many more. The training was very comprehensive.

There was no public comment on this item.

ADVISORY COMMITTEE REPORTS

11. Lesbian Gay Bisexual Transgender Advisory (LGBT) Committee Report of May 16, 2006 Meeting

Larry Brinkin reported that they had a training done by Veronica Neal who is a diversity consultant. Mr. Brinkin stated that the Committee members wanted to address the fact that the Committee is diverse and make sure that as they work on issues and communicate with each other that they take into account their diversity and communicate with respect and understand their different culture.

Mr. Brinkin stated that Ms. Neal did an identity exercise with the group to understand the different identity of the group, which is gender, racial and ethnic identities which are only the basic that they touch upon. He stated the tools that they learned from the training were not only for the group but also for the communities. The training was very powerful.

Commissioner Chung wished that there was money on the budget for all committee members and all Commissioners to go through the training. Commissioner Dunlop pointed out that the training was incredible and it would be of great benefit if there was someway the whole Commission to attend the training. He noted that it was a wonderful experience.

There was no public comment on this item.

12. Disadvantaged Business Enterprise (DBE) Advisory Committee Report of May 17, 2006 Meeting

Commissioner Kahn reported that the Committee has had trouble with quorum. He pointed that they are delighted about the new Ordinance. The Committee has plans to be prepared for the new Rules and Regulations.

There was no public comment on this item.

REGULAR BUSINESS

13. Consideration and Possible Approval of Resolution honoring the service of Sgt. Elliott Blackstone

Commissioner Chung reported that Sgt. Elliott Blackstone is vanguard of his time because he created the whole sensitivity training in the community back in 1966 when the Police Department started to have dialogue of what the issues were in the gay and lesbian community. Commissioner Chung pointed out that Sgt. Blackstone is now in his 70's and in his health is failing and would like this opportunity to thank him for being a voice for many in San Francisco. Sgt. Blackstone created a ripple effect of many changes within the last 10 years. Commissioner Chung noted that honoring him is a way to show their gratitude for this unsung hero.

Commissioner Chung noted that the Resolution will be presented at the commemoration ceremony on June 22, 2006, at 101 Taylor Street.

Larry Brinkin stated that Sgt. Elliott Blackstone is a worthy recipient of this Resolution. He stated that he was one of his early heroes because he stuck up for the

LGBT community at the time.

Chair Baghdadi made a motion to adopt the Resolution. Commissioner Sohcot moved and seconded by Commissioner Kahn. The Resolution passed.

There was no public comment on this item.

14. Presentation of Resolution Commending OSHUN House in honor of International Women's Day

Chair Heinicke stated that OSHUN House is a program of the Haigth Asbury Free Clinic, a 24 Hour drop in center for women and their family located in the Tenderloin neighborhood. The resolution is presented in conjunction with 2006 International Women's Day, a celebration of the economic, social, cultural and political achievement of women. Chair Baghdadi presented the Resolution to Ms. _____ **(tape inaudible).**

:esolution was accepted and came in as a wonderful surprised. The Commission was ed.

There was no public comment on this item.

Presentation of Commendation for Susan Saylor in observance of National Fair ng Month

Emil De Guzman pointed out that the Issues Committee is commending Susan Saylor for her hard work and winning a landmark settlement on case of Carper vs. Globis Enterprises. Ms. Saylor thanked Mr. De Guzman and Ed Ilumin who worked on the case with her and thanked the Commission for recognizing Fair Housing Month.

Chuck Kaufman, HUD's Director of Office of Fair Housing and Equal Opportunity for Region 9 congratulated Ms. Saylor for the work she did on the landmark resolution. He also talked Ms. Carper for standing up for her right and for Ms. Saylor for depending those rights that makes fair housing happens in the City.

Ms. Carper thanked all the people involved and especially thanked Ms. Saylor for her worked and promised to be there till the end of the case.

There was no public comment on this item.

16. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items

Commissioner Sohcot would like to discuss and review the completed Real I.D Act report sometime the second week of June. Commissioner Chung reminded the Commission to start looking into taking the Commission meeting into the community.

Commissioner Kahn commended the Chair on his first meeting.

There was no public comment on this item.

17. Adjournment

Chair Baghdadi adjourned the meeting. There being no further business, the meeting

was adjourned at 6:16pm.

**NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary. **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Meeting Agenda

Thursday, June 8, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Khaldoun A. Baghdadi, *Chair*
Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Malcolm A. Heinicke
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

06-05-17P03:03 RCVD

HRC CALENDAR June/July 2006

June 01
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 08
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

June 14
DBE Advisory Committee Special Meeting
5:30pm
25 Van Ness Avenue, #800

June 14
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
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June 20
LGBT Advisory Committee Meeting
CANCELED

June 21
DBE Advisory Committee Meeting
CANCELED

June 22
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

July 06
Employment Committee Meeting
CANCELED

July 13
HRC Regular Commission Meeting
CANCELED

July 12
Issues Advisory Committee Meeting
5:30pm
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HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

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ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of Minutes of Commission Meeting of May 25, 2006
   Action Item - Attachment to be provided

REPORT OF THE CHAIR

5. Report of the Chair
   Discussion Item - No attachment

6. Commission Vote for Vice Chair of the Commission
   Action Item - No attachment

7. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

8. Presentation of Chapter 14A Waiver Report for May 2006
   Presenter: J Fields
   Discussion Item - Attachment to be provided

9. Update on Planning for June 22, 2006 Commission Hearing on Chapter 14B Implementing Rules
   Presenter: J Fields
   Discussion Item - No attachment

10. Update on Chapter 14B Implementation Schedule
    Discussion Item - No attachment

ADVISORY COMMITTEE REPORT

11. **Employment Committee: Report of June 01, 2006 Meeting**
    Commissioner Faye Woo Lee
    Commissioner Carlota del Portillo
    Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
    Discussion Item - No attachment

REGULAR BUSINESS

12. **Discussion to develop plan to hold Commission Meetings in neighborhoods**
    Discussion Item - No Attachment

13. **Commission Approval to hold hearing on Native American issues on October 12, 2006**
    Discussion Item - No Attachment

14. **Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items**
    This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items.

15. **Adjournment**

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City and County of San Francisco
Human Rights Commission

June 08, 2006
MINUTES OF THE REGULAR MEETING OF THE HUMAN RIGHTS COMMISSION
Thursday, June 8, 2006

Call to Order and Roll Call

Chair Baghdadi called the meeting to order at 4:40pm.

Commissioners Present	Commissioner Not Present
Khaldoun Baghdadi	Carlota del Portillo
Cecilia Chung	Malcolm Heinicke
Mark Dunlop	Yoel Kahn
Faye Woo Lee	Ellouise Patton
Nazly Mohajer	
Pat Norman	
Sandra Sohcot	

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HRC Staff Present

Marcus Arana; Larry Brinkin; James Fields; Cynthia Goldstein; Kabir Hypolite; Carla Vaughn, Wooje Lee

A quorum was present.

2. Circulate General Communications File

There was no General Communications file circulated.

3. Public Comment on Items Not on the Agenda

There was no public comment.

APPROVAL OF MINUTES

4. Approval of Minutes of Commission Meeting of May 25, 2006

This item was tabled for the next Commission Meeting.

REPORT OF THE CHAIR

5. Report of the Chair

There was no report.

There was no public comment on this item.

6. Commission Vote for Vice Chair of the Commission

Chair Baghdadi opened the floor for nomination to elect the Vice Chair. Commissioner Norman nominated Commissioner Sohcot. Commissioner Mohajer nominated Commissioner Chung. Chair Baghdadi stated that since there are two Commissioners being nominated he will table this item for the next meeting when there are more Commissioners present to make their vote.

There was no public comment on this item.

7. Individual Commissioner Reports on Community Activities

Commissioner Chung reminded every one that June is the month of Pride. She stated that there are a lot of activities going on around the City, including the International LGBT Film Festival and the biggest Pride Celebration at the end of the month. Commissioner Chung stated that there are four Asian and Pacific Islander elected as Grand Marshals.

Commissioner Chung noted that the Mayor will be hosting a reception on this day to honor the Gay Asian Pacific Alliance and The Asian Pacific Islander _____**(tape inaudible)** Center. She encouraged other Commissioners to join her with the celebration after the Commission meeting.

Commissioner Mohajer pointed out that on Monday, June 12, 2006 the Iranian American Chamber of Commerce will be holding their monthly meeting and will be discussing Chapter 14B Ordinance. She stated that James Fields will be speaking at the meeting. She encouraged anyone else to join the panel discussion.

There was no public comment on this item.

REPORT OF THE DIRECTOR

Director Harmon introduced the two new summer interns that will be working with HRC Staff. Wooje Lee is a first year law student atBoalt

Law School. He will be working with the LGBT group.

Larry Brinkin reported that Sunday, June 25, 2006 is Pride Day. HRC will have a booth that will give information on the Commission and there will be literatures that will be handed out to the public. Mr. Brinkin encouraged anyone to volunteer to help out in the booth. The booth will be located on Larkin Street between McAlister and Golden Gate.

Presentation of Chapter 14A Waiver Report for May 2006

James Fields presented the waiver report for May 2006. There was no public comment on this item.

9. Update on Planning for June 22, 2006 Commission Hearing on Chapter 14B Implementing Rules

James Fields stated that they started ahead of schedule with the outreach for the public hearing. Mr. Fields noted that right now things are going fast toward the September 22, 2006 Commission meeting where they are expecting many members of the public, constituents, contractors and vendors that will be attending to provide input with regard to the Rules and Regulations and the 14B Ordinance.

Mr. Fields pointed out that it will be a very tight schedule for staff. The official document cannot be released till September 12, 2006, which is 30 days after the Mayor signed it.

Mr. Fields reported that on May 24, 2006 special packaged were sent out to all DBE members highlighting the changes on the document. On June 2, 2006, he reported that there was a meeting with all the Contract Compliance Staff to bring the staff to speed on the new Ordinance.

Mr. Fields reported that he will be meeting with the Iranian American Chamber of Commerce to provide outreach to this contracting community. He also stated that there will be another opportunity for an outreach session on June 21, 2006 with Asian Inc. On June 12, he stated that HRC Staff will issue a notice to vendors advising them of perspective changes and 14A verification specifically to identify potential micro LBE.

Director Harmon stated that the letters will be sent out on June 12, 2006 to all HRC certified firms advising them of the changes of the Ordinance and that a hearing will be held on June 22, 2006. Flyers will also go out to various businesses as well as various contracting agencies that HRC do business with and consult. The June 22, 206 hearing will be the first time for the public to be heard.

Chair Baghdadi asked that the Commissioners get a copy of what are being sent out to the certified firms so that they can have the opportunity to look at it before the hearing.

Commissioner Mohajer noted that it would be a benefit to involved different Chambers of Commerce and or any organizations to utilize them to communicate the new Ordinance to the public. She stated that these organization would be an excellent venue to do outreach and put a joint sessions with all Chambers of Commerce participating or interested or can benefit to the Ordinance.

Mr. Fields added that there is also a printed guideline which serves the same as the highlighted copy. He pointed out that the DBE Advisory Meeting in July would be dedicated to the non profit issue.

Director Harmon stated that they would like to hear from the Small Business Commission and take their input. She stated that she has had a conversation with the Director and would like to do additional outreach through them.

There was no public comment on this item.

10. Update on Chapter 14B Implementation Schedule

This item was discussed on item 9.

ADVISORY COMMITTEE REPORTS

11. Employment Committee
Report of June 1, 2006 Meeting

Kabir Hypolite reported on the Youth Employment. Mr. Hypolite stated that at this point a lot of the key players are somehow unsettled. He noted the key component of the Youth Employment is the Youth Council, which is a key part of the City's current efforts to focus on youth employment in San Francisco. He also noted that there have been a lot of changes in the Private Industry Council. Commissioner Lee stated that one big concern was that of the foster children who would live foster care when they reach the age limit.

Mr. Hypolite reported that there were 45 graduates at City Build Academy. The graduates mostly came from the Bay view Hunters Point area, Western Addition and the Mission District.

Mr. Hypolite stated that the final version of the proposed Legislation on working conditions on the Exotic Dancer was not approved at the May 24, 2006 Department on the Status of Women meeting due to an opposition on the current draft. The Employment Committee is looking at the sexual harassment piece of the draft. The final version of the

Legislation will come before the Commission.

Mr. Hypolite encouraged everyone to check out the website for Proposition I, Economic Development and the Mayor's Workforce Development. The website is: www:sfeconomicstrategy.org. He noted that the committee will not be meeting for July.

There was no public comment on this item.

REGULAR BUSINESS

12. Discussion to Develop Plan to Hold Commission Meetings in Neighborhoods

Director Harmon stated she would like to work with individual Commissioners by community to assist Staff in identifying issues and develop appropriate presentations and discussions for those community meetings. The Director pointed out the meeting would be publicized as a special meeting and hold it at the same time.

Commissioner Chung suggested that if the meetings could be held in different neighborhood and identify the constituents. Director Harmon agreed and that she stated that this was what she was referring to. Director Harmon noted that the meeting would not be feasible to have until the fall due to the hearings on the new Ordinance. She added that one meeting per quarter to hold a special meeting would possibly work out for the Commission but it would be more reasonable to do two meeting over the course of the next twelve months, however, she stated that she would rely on the Commission for assistance in terms of developing the issues for the meetings.

Commissioner Dunlop agreed that two meeting sound more reasonable considering the work involved. Director Harmon stated that it could take at least 60 days to prepare a special meeting in a certain neighborhood.

Director Harmon stated that any information, comments, suggestions or input can be e mailed to her. She will gather all the information and come up with a plan and come back for approval. Chair Baghdadi asked the Commissioners to give more thoughts into where the Commission can go where they could intersect more than one community.

There were no public comments on this item.

13. Commission Approval to Hold Hearing on Native American Issues on October 12, 2006

Director Harmon confirmed that this would be the date that the Native American Issues Hearing would take place and it would be agendized.

There was no public comment on this item.

14. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items

Commissioner Chung would like to follow up on the Falun Gong issue. Commissioner Lee noted that the Falun Gong have initiated a lawsuit to Rose Pak and the Chinese Chambers of Commerce. Commissioner Mohajer asked about the Gary Weinstein job expo letter? Director Harmon pointed out that this issue is being treated as a complaint and being handled by Staff. Commissioner Dunlop agreed that it would be a good idea to have an informational hearing on the Falun Gong group. Commissioner Mohajer asked to explain the Complaint process. Director Harmon gave a brief overview of the process. Commissioner Mohajer suggested bringing the Chronicle and SF Gate before the Commission to have them explained why they took such action. Commissioner Chung suggested that the Commission could work with the Immigrant Rights Commission on this issue. Director Harmon agreed that would be a good idea and they could work cooperatively on such a hearing in the future.

There was no public comment on this item.

15. Adjournment

Chair Baghdadi adjourned the meeting. There being no further business, the meeting was adjourned at 5:46pm.

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HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Special Meeting Agenda

Thursday, June 22, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Khaldoun A. Baghdadi, *Chair*
Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Malcolm A. Heinicke
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

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4:30pm
City Hall, Room 416

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CANCELED

June 21
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CANCELED

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4:30pm
City Hall, Room 416

July 06
Employment Committee Meeting
CANCELED

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REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

6. Update on Chapter 14B Implementation Schedule
   Discussion Item - No attachment

ADVISORY COMMITTEE REPORT

7. Disadvantaged Business Enterprise Advisory Committee (DBEAC) Report of June 14, 2006 Meeting
   Commissioner Khaldoun Baghdadi
   Commissioner Yoel Kahn
   Commissioner Nazly Mohajer
   Committee Staff: James Fields, Bayard Fong, Selormey Dzikunu
   Discussion Item - No attachment

REGULAR BUSINESS

8. Public Hearing on Chapter 14B Small/Micro Local Business Enterprise Ordinance - Implementing Rules
   Discussion Item - No attachment

9. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items

This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items.

10. Adjournment

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SF Docs

From: Sophia Simpliciano [Sophia.Simpliciano@SFGOV.ORG] **Sent:** Wed 6/21/2006 9:39 AM

To: GaryC.Wong@sfdpw.org; Tamra Winchester; Domenic Viterbo; Roel Villacarlos; Carla Vaughn; NTruax@sfwater.org; David Treanor; Mary.Tramil@flysfo.com; Preston.Tom@sfdpw.org; Mary Gin Starkweather; Joyce O Smith; Carmen Smith; Hadas Rivera-Weiss; Richard.Norton@sfdpw.org; Yong K Lee; Zula Jones; FJewell@sfwater.org; Ed.Ilumin@SFGOV.ORG; Ron Hypolite; Carolyn Hom; Mercy Gharec; Bayard Fong; Selormey Dzikunu; Maria Cordero; Linda.Chin@sfdpw.org; Ed.Campos@sfdpw.org; Marcus Arana

Cc: Ruby Tourk; SF Docs; Catharine Barnes; Carla Vaughn; Cynthia Goldstein; Frank.Anderson@sfdpw.org; Larry Brinkin; VNg@sfwater.org; purplepot@sbcglobal.net

Subject: HRC Agenda & Notice for Thursday, June 22 at 4:30 p.m.

Attachments: 062206 AG.doc(111KB)

Greetings! The Human Rights Commission will hold a meeting on Thursday, June 22nd, at 4:30 p.m. in City Hall, Room 416.

The Agenda (See attached file: 062206 AG.doc)

The Notice

NOTICE OF PUBLIC HEARING ON THE NEW CHAPTER 14B SMALL/MICRO LOCAL BUSINESS ENTERPRISE ORDINANCE

THURSDAY JUNE 22, 2006, CITY HALL ROOM 416, 4:30 PM

The San Francisco Human Rights Commission seeks your input in developing Chapter 14B Implementing Rules and Regulations.

Key areas under consideration:

1. In order to be certified, businesses must now demonstrate that their local office is their principal place of business.

2. The new set-aside program for local, micro business enterprises

3. The joint venture program is now only for Architects and Engineers

4. Certification of Businesses for the PUC Regional Program

5. Certification of Non-Profits

6. New Non-Discrimination Program

7. Other input you consider important

DO NOT MISS THIS OPPORTUNITY TO SUBMIT YOUR INPUT

Testimony may also be submitted in written form to:
Maria L. Cordero
San Francisco Human Rights Commission
25 Van Ness Ave., 8th Floor
San Francisco, CA 94102
Via e-mail to: maria.cordero@sfgov.org
Via fax to: (415) 431-5764

Sincerely,

Sophia Simpliciano

SF Human Rights Commission
25 Van Ness Avenue, Suite 800
San Francisco, CA 94102
Ph: 252-2538, Fx: 431-5764

City and County of San Francisco
Human Rights Commission

June 22, 2006

MINUTES OF THE SPECIAL MEETING OF THE HUMAN RIGHTS COMMISSION
Thursday, June 22, 2006

1. Call to Order and Roll Call

Chair Baghdadi called the meeting to order at 4:30 p.m.

Commissioners Present	Commissioner Not Present
Khaldoun Baghdadi	Malcolm Heinicke
Cecilia Chung	Ellouise Patton
Carlota del Portillo	
Mark Dunlop	
Yoel Kahn	
Faye Woo Lee	
Nazly Mohajer	
Pat Norman	
Sandra Sohcot	

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HRC Staff Present

Larry Brinkin; James Fields; Cynthia Goldstein; Virginia Harmon and Carla Vaughn

Guests Present:

Robert Kraft, Kraft Inc.; George Stryka; Carol Isen, PUC; Climinato McKinney, Port of Oakland; Estela Toranto, Santa Clara Valley Water District; Walter Allen; Harlan Kelly, PUC; Michael Johnson, Combined Effort; David Gabriage; George Greg; Raymond Lee, San Mateo County Transit District; Karen Woo, Asian Inc,; Jim Mitchell; Sean W. Smith; Sophia Mahmoud; Alicia Culver and Yolanda Vargas

A quorum was present.

2. Circulate General Communications File

The General Communications file was circulated.

3. Public Comment on Items Not on the Agenda

There was no public comment.

REPORT OF THE CHAIR

4. Report of the Chair

There was no report.

There was no public comment on this item.

5. Individual Commissioner Reports on Community Activities

Commissioner del Portillo stated that the flyer on Save the Date for Mission Hiring Hall's 35th Anniversary Dinner is great way of supporting this organization because of the wonderful work they do for job in hiring.

There was no public comment on this item.

REPORT OF THE DIRECTOR

6. Update on Chapter 14B Implementation Schedule

James Fields gave a brief remark on the status of the Small Micro Business Enterprise Program. Mr. Fields pointed out that there has been a tremendous amount of outreach performed by the Staff and DBE Advisory Committee. He stated that on June 2 2006 the Staff met and assignments were given to provide input for the Rules and Regulations and HRC Attachments and other related documents. Staff input was submitted on June 16, 2006. Mr. Fields also stated that on June 5, 2006 he met with the Iranian American Chambers of Commerce along with the Director to discuss the changes of the Ordinance.

Mr. Fields also reported that on June 12, 2006, he met with the African American Chambers of Commerce to discuss. On June 21, 2006, he attended the Asian Inc. Contractor's outreach meeting at HRC to discuss similar topics related to the new Ordinance. He noted that he will also be participating in PUC's Disaster Preparedness Workshop and he will be distributing literature on the new Ordinance. He cautioned that the final date for all submittal of the recommendations for the new Ordinance is due August 24, 2006. Prior to that date, he pointed out that there will be another Advisory Committee meeting on July 19, for an opportunity to give input.

Mr. Fields reported that the Advisory Committee established three taskforce: Rules and Regulations, Prompt Payment and the non profit.

Commissioner Dunlap asked if there has been any contact with the SF Redevelopment Agency or the Mayor's Office of Community Development. Mr. Fields stated that they have not but will make contact with them.

There was no public comment on this item.

ADVISORY COMMITTEE REPORT

7. Disadvantaged Business Enterprise Advisory Committee (DBEAC) Report of June 14, 2006 Meeting

James Fields reported on this item on item 6. There was no public comment on this item.

REGULAR BUSINESS

8. Public Hearing on Chapter 14B Small/Micro Local Business Enterprise Ordinance - Implementing Rules

Robert Kraft owns Kraft, Inc, a small printing company. Mr. Kraft notes that being a small business is tough and hopes that the new Ordinance helps his company.

George Stryka stated that he is also in the printing company. He pointed out that the printing businesses have suffered greatly in the Bay Area. Mr. Stryka stated that most printing is not done in the City because the pressers do not exist. Almost all work is being brokered out outside of the City. Commissioner Kahn asked Mr. Stryka if he had any specific suggestions that he may offer for the regulations specific to the printing industry that would make it more possible for local San Francisco owned and operated printing industries to succeed in getting contracts. Director Harmon stated that she will discuss with the City Attorney the dollar volume of work being done in San Francisco.

Carol Isen, PUC Director of Labor Relations and Community Programs, commented on the Section where it talks about the program for the SF PUC capital projects and water system. Ms. Isen stated that they are planning and executing major capital work in areas outside of the San Francisco County line. Ms. Isen noted that the HRC Director has been provided their view of what the regional service territory is. She asked the Commission to encompass their suggestions into the Rules when implemented. Ms. Isen thanked the Commission. She then introduced two of their regional partners; Estella Toranto, Manager of Equal Opportunities Programs at the Santa Clara Valley Water District, and Climinato McKinney,(sp), Manager of Contract Compliance of the Port of Oakland.

Ms. McKinney spoke to the Commission about the issue on extending the area that is affected by the Hetchy Hetchy program. Ms. McKinney stated that the Port of Oakland had implemented a similar type of program back in 1997. Ms. McKinney noted that they support the programs that give work back to the community that is affected.

Estela Toranto read the mission of the Santa Clara Valley Water District promoting their quality way of living and their vision of cleaner, leaner and greener. Ms. Toranto thanked the Commission for the significant work that was done on Chapter 14B. She pointed out that the Commission will be providing opportunities for regional small firms to compete on construction contracting and which then will expand more qualified firms. Ms. Toranto pointed out that by working together the Ordinance will be a model program.

Commissioner Kahn asked if the small local businesses outside of San Francisco will still be under the direction of PUC and under what charge is HRC working on.

Director Harmon pointed out that HRC is responsible for implementing SFPUC Regional program and currently responsible for developing the Rules and Regulations for that particular program. She stated that there will be an Advisory Committee appointed by the SFPUC General Manager and will be staffed by SFPUC and provide direction to the Commission on the program and implementing the rules. The Director noted that at this point they are gathering input from SFPUC and the broader community to define SFPUC service areas.

Commissioner Mohajer asked Ms. Toranto if the Bay Area Contract Compliance Officers Organization is a mentoring program for certified business to guide them certification, contracts and other process. Ms. Toranto stated that it offers technical tools to public agencies. It's a non profit composed of professionals that work for public agencies and ensures the participation of the small local businesses within their own jurisdictions.

Commissioner Dunlop asked who would be monitoring the compliance and how will

the Commission be reimbursed? Director Harmon stated that the Ordinance provides that the HRC will be responsible for implementing the program, however, will be partnering with PUC with some aspects but HRC staff will actually be responsible for implementation. Director Harmon stated that reimbursements are still being worked out under work order.

Commissioner Sohcot commented that there should be consistency so that there is no replicating and recreating any of the processes. Director Harmon stated that these particular issues are being discussed with PUC to ensure that both types of businesses are treated equitably.

Walter Allen stated that he support the new Ordinance and thanked the Commission and the Director for their hard work on the new program. Mr. Allen did say that he was concerned how the local business is defined currently and putting a lot of pressure on small businesses in terms of how many principals there are. He noted that certification was different from SF Redevelopment Agency, PUC and HRC. He suggested that the type of monitoring that is needed is monitoring of the majority firms.

Harlan Kelly, Assistant General Manager of Infrastructure for PUC stated that they are happy and excited to work with HRC in certification and looking forward in working as a team.

Michael Johnson of Combined Effort, a disabled Veteran Business Enterprise from Tuolomme County stated that trying to get work that is done by PUC has been tough. Mr. Johnson pointed out that they are excited to participate in projects that may come along that affects their county. He also noted that they are at a disadvantaged now by the requirements of the new Ordinance.

David Gabriage owns a business in Hunters Point, Waste Solutions Group an environmental remediation business. He spoke on the problems of hiring truckers that actually live outside of the City but set up shop in the City. Mr. Gabriage asked the Commission to seriously take a look at the certification guidelines.

Director Harmon explained that under the new Ordinance businesses are required to have their principal place of business in San Francisco. It is defined in the Ordinance that they have to have 50% of the principals there and pay 50% gross receipts out of the payroll tax in San Francisco.

George Greg of D&W Transport spoke briefly about the trucks brokers from outside of San Francisco who are getting most of the trucking work at the Bayview Hunters Point.

Commissioner Mohajer asked if Mr. Greg have any suggestions or preventive measures that can be in place in the new Ordinance. Mr. Greg (sp?) stated that they are working with HRC and other people involved putting in some language to protect the work in the City for the local truckers.

Raymond Lee from the San Mateo County Transit District thanked the SFPUC for reaching out for outreaching specifically in regards to the SF water regional program. Mr. Lee stated that HRC's program will have significant impact to businesses located in San Mateo County. Mr. Lee commented that HRC's certification program should look at leveling the playing field. He stated that under the regional program the pie is big enough where construction management can be explored. He pointed out that there be an excused provided where if they could not find sufficient numbers of small businesses to meet a particular requirement.

Karen Woo from Asian Inc. spoke about the prompt payment program. Ms. Woo stated that the program has a lot of loose language that needs to be tightening. She pointed out that a stronger language in the Ordinance would protect the subcontractors. Ms. Woo also spoke on the trucking issue stating that if there were more definition on the trucking type services will help close the loophole on the problem.

Commissioner Norman pointed out that the State of California agencies must meet the payments on time or they have to pay. She said that there is a possibility that such a law could be develop in San Francisco. Commissioner Kahn pointed out that HRC staff have been looking at and investigating best practices around the state and that CalTrans actually has a program in place that HRC is looking at strongly.

Jim Mitchell stated that there should not be any department in the City that is exempt from the Ordinance. Mr. Mitchell pointed out that the City Attorney's Office is exempt.

Sean ? W. Smith, talked about a DBE subcontractor who ended losing his home for the failure of the large prime contractor to pay. Mr. Smith pointed out that when the general contractor gets paid from the City, they need some time for the checks to clear in the bank and also for the bonding agent will slap a fund control where disbursement is done by another company. Mr. Smith pointed out that the current system does work and local businesses will flourish.

Sophia Mahmoud stated that she has a staffing service and certified for over 10 years. Ms. Mahmoud pointed out that the bids are financially motivated and that the cheapest bids will get the contract and that it is also relationship driven. She pointed out that the primary contractors see the sub contractors as competitors. She requested that the 10% DBE requirement be put in each bid so that they can participate in the contract.

Alicia Culver, Executive Director for a non profit in Berkeley and also serve as a sub contractor to the SF Department of the Environment overseeing the procurement. Ms. Culver stated that she is interested in knowing how it will be determine whether a non profit organization is women owned or minority owned and based on staff. She asked if they would be discriminated if they set up office in different cities.

Director Harmon confirmed that the majority of the principals will have to be based in San Francisco and has to pay San Francisco payroll taxes at least 51%, however, she will discuss this issue with the City Attorney's Office for the non profit entities. The Director further noted that all non profit will be classified as other business enterprises.

Commissioner Mohajer pointed out that on July 19, 2006 there will be a hearing on non profit.

Yolanda Vargas owner of Vargas and Esquivel Construction spoke about asphalt and oil pricing and how the prices are increasing. Ms. Vargas stated that the City does not have an escalation clause. Ms. Vargas also pointed out that workers that are hired from the hiring halls are not doing work that they are hired. Ms. Vargas presented documents for the records.

Chair Baghdadi stated that some of the issues that Ms. Vargas spoke on are not under HRC's jurisdiction. He stated that HRC could look into the escalation clauses.

Chair Baghdadi thanked all the speakers and making their comments.

9. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items

Chair Baghdadi would like to agendized the nomination of Vice Chair at the next Commission meeting. There were two nominations and he asked the Commissioners to be ready to vote on it at the next meeting.

There was no public comment on this item.

10. Adjournment

Chair Baghdadi adjourned the meeting. There being no further business, the meeting was adjourned at 6.32pm.

**NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary. **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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7/27/06

Meeting Agenda

Thursday, July 27, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Khaldoun A. Baghdadi, *Chair*
Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

HRC CALENDAR July/August 2006

July 06
Employment Committee Meeting
CANCELED

July 12
Issues Advisory Committee Meeting
CANCELED

July 13
HRC Regular Commission Meeting
CANCELED

July 18
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

July 19
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

July 27
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

August 03
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

August 09
Issues Advisory Committee Meeting
CANCELED
Next meeting: September 13

August 10
HRC Regular Commission Meeting
CANCELED
Next meeting: September 14

September 19
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 20
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 28
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

6. Update on Chapter 14B Implementation Schedule; Discussion regarding Chapter 14B Implementing Rules and Attachments
   Discussion Item - No attachment

7. Presentation of Chapter 14A Waiver Report for June 2006
   Presenter: James Fields
   Discussion Item - Attachment to be provided

REGULAR BUSINESS

8. Approval of Resolution commending the services of Commissioner Malcolm A. Heinicke
   Action Item - Attachment to be provided

9. Approval of the Real ID Report
   Presenter: Emil De Guzman
   Action Item - Attachment to be provided

CLOSED SESSION-CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION-City as Defendant

10. Motion that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following pending litigation filed against the City and County of San Francisco
Action Item - No attachment

Les Natali v. SF Human Rights Commission, and Virginia M. Harmon, Executive Director, Superior Court of the State of California, County of San Francisco, Case No. CPF-06-506465

The Closed Session is permitted by California Government Code Section 54956.9 (a) and Administrative Code (Sunshine Ordinance) Section 67.10 (d)(1), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending litigation. (City Attorney)

RECONVENE IN OPEN SESSION

11. Vote in open session on whether to disclose no information or to disclose all or portions of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a).
Action Item - No attachment

ADVISORY COMMITTEE REPORT

12. Disadvantaged Business Enterprise Advisory Committee (DBEAC) Report of July 19, 2006 Meeting
Commissioner Yoel Kahn
Commissioner Nazly Mohajer
Committee Staff: James Fields, Bayard Fong, Selormey Dzikunu
Discussion Item - No attachment

13. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items.

14. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures

The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at HRC Meetings and to write letters to the HRC and to its members: 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. Agendas are available on the internet at www.sfhrc.org. THE AGENDA PACKET IS AVAILABLE AT THE HRC MAIN OFFICE, 25 VAN NESS AVENUE, SUITE 800, RECEPTION DESK. Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact the Commission Secretary at 415-252-2500.

Disability Access

The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, the Human Rights Commission Secretary may be contacted at 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

City and County of San Francisco
Human Rights Commission

July 27, 2006 DRAFT
DRAFT MINUTES OF THE REGULAR MEETING OF THE HUMAN RIGHTS COMMISSION
Thursday, July 27, 2006

Call to Order and Roll Call

Acting Chair Yoel Kahn called the meeting to order at 4:41 p.m.

Commissioners Present	Commissioner Not Present
Carlota Del Portillo	Khaldoun Baghdadi
Mark Dunlop	Cecilia Chung
Yoel Kahn	Pat Norman
Faye Woo Lee	Ellouise Patton
Nazly Mohajer	
Sandra Sohcot	

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HRC Staff Present

Larry Brinkin; Maria Cordero; Emil DeGuzman; Selormey Dzikunu; James Fields; Cynthia Goldstein; Veronica Ng; Sophia Simpliciano; and Carla Vaughn

Guest Present: Cathy Barnes, Deputy City Attorney

A quorum was present.

2. **Circulate General Communications File**

There was no General Communications file circulated.

3. **Public Comment on Items Not on the Agenda**

None

REPORT OF THE CHAIR

4. **Report of the Chair**

There was no public comment on this item.

5. **Individual Commissioner Reports on Community Activities**

There was no public comment on this item.

Update on Chapter 14B Implementation Schedule; Discussion regarding Chapter 14B Implementing Rules and Attachments

James Fields presented the report stating that the DBEAC Committee met on July 19th. The meeting was dedicated to the Non-profit amendment to the Ordinance. In attendance at the meeting were the following guests: Jacquie Hale, Director, Office of Contracts Management & Compliance, Department of Public Health; Debbi Lerman, Director of Research and Communications, SF Human Services; Luis Granados, Executive Director of the Mission Economic Development Agency.

Acting Chair Kahn asked if someone has gotten back to the speaker who has raised the questions. Mr. Fields stated that during a public comment HRC would generally listen and take testimony and staff will meet with the person after the meeting. Mr. Fields noted that Redevelopment Agency operates on their own jurisdiction. The Navy, the trucking scenario described at the 6/22 Commission meeting were not HRC contracts.

Mr. Fields pointed out that the outreach has continued. He stated that DBEAC minutes of June 14, 2006 reflect the Commission and Advisory Committee meeting's schedules. The minutes are a public record and it's on the website. The HRC staff met with the Director on July 14, 2006 to give status report on the different staff assignments. All requirements will be completed by September 1st.

Mr. Fields also stated that he attended the City's non-profit contracting task force on July 24, 2006. He noted that there were great interests in how the Rules and Regulations would be formulated for non-profits. He stated that some of the non-profits are proceeding to exempt themselves from the amendment through Supervisor Ammiano's office. Some non-profit representatives are hopeful that Supervisor Ammiano will make some changes to the amendment to exempt Health & Human Services, Mental Health Services and Aging & Adult Services contracts.

Lastly, Mr. Fields stated that he participated in a City College Contractor's Workshop on Tuesday, July 25, 2006. He pointed out that he distributed a great deal of literatures with respect to the new Ordinance and certification requirements.

Acting Chair Kahn briefly went over the timeline on the Ordinance.

Deputy City Attorney Cathy Barnes stated that under the Charter the Rules and Regulations should be posted 10 days in advance under the Sunshine Ordinance which should be by August 14, 2006.

There was no public comment on this item.

Presentation of Chapter 14A Waiver Report for June 2006

James Fields presented the waiver report for June 2006. Since there was no quorum, Acting Chair Kahn stated that he will pass the item until a quorum is present. There was no public comment on this item.

REGULAR BUSINESS

8. **Approval of Resolution commending the services of Commissioner Malcolm A. Heinicke**

Commissioner del Portillo requested to add more accomplishments in the Resolution. She stated that Commissioner Heinicke gave a lot to the Commission during his tenure and significant topics should be added to the Resolution. There will be minor correction on the language of the Resolution. Acting Chair Kahn called for a motion on the approval of the Resolution. Commissioner del Portillo made a moved with the minor change inclusion of the issues that was discussed. Commissioner Sohcot seconded and it was approved.

Director Harmon stated that Commissioner Heinicke will be attending the Commission meeting of August 24, 2006.

There was no public comment.

9. **Approval of the Real ID Report**

Emil De Guzman stated that the Immigrant Rights Commission has been given the brochure and the report. Mr. De Guzman stated that he hopes that the IRC will take the final step to get the resolution through.

Commissioner Del Portillo asked what do the Commission expect from IRC. Mr. De Guzman explained that the IRC and HRC are the sponsors for the brochure and the report so enable for it to be publish it would take both Commissions to agree to the passage of the draft so that the publication can begin. Commissioner Del Portillo asked how the report and the brochure will go out to the public who are non-English speaking. Commissioner Sohcot stated that both Commissions are planning on having the brochure and report translated in seven

different languages.

Mr. DeGuzman pointed out that there will be a proposal to the Mayor to fund the translations of the brochures and reports. He also stated that the brochures and reports will be posted in both of the Commission's website. The translations will be in these languages: Chinese, Persian, Arab, Spanish, Russian, Filipino and Vietnamese.

Commissioner Sohcot noted that all HRC Commissioners comments and recommendations have been incorporated into the report. Acting Chair Kahn commended everyone on the team for their hard work and efforts. Acting Chair Kahn entertained a motion for approval of the Real ID Act. Commissioner _____ Moved and Commissioner _____ Seconded. It was accepted and approved.

There was no public comment on this item.

CLOSED SESSION-CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION-City as Defendant

10. Motion that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following pending litigation filed against the City and County of San Francisco

Acting Chair Kahn made a motion to convene in closed session with the Deputy City Attorney. The Commissioners went into Closed Session at 5:29 p.m.

RECONVENE IN OPEN SESSION

11. Vote in open session on whether to disclose no information or to disclose all or portions of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a).

The Commission reconvened to open session at 5:52pm. Acting Chair Kahn asked for a motion whether to disclose no information or to disclose all or portion of the closed session. Commissioner Dunlop made a motion to disclose all information discussed in the closed session and was seconded by Commissioner Del Portillo. Commissioner Mohajer asked to withdraw the motion and it was accepted. A new motion was made to not disclose the information discussed in the closed session and it was seconded by Commissioner Del Portillo. The motion was accepted unanimously.

ADVISORY COMMITTEE REPORT

12. Disadvantaged BusinessEnterprise Advisory Committee (DBEAC) Report of July 19, 2006 Meeting

James Fields reported that the DBEAC met on July 19, 2006 and a quorum was present. The meeting was dedicated for a public hearing to the Non profit amendment to the Ordinance. Mr. Fields stated that there were cooperation between the non profits that were present and HRC and they are looking forward to working with HRC and providing their input towards the Rules and Regulations.

Mr. Fields noted that the next DBEAC meeting is August 16th.

There was no public comment on this item.

13. **Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items**

Commissioner Sohcot proposed to have the community meeting at City College. She said she has a colleague who is the docent for the Diego Riviera Mural. She said that it would be a wonderful facility to have a meeting. Commissioner Sohcot pointed out that her colleague would present a history of the mural which Diego Riviera did.

There was no public comment on this item.

14. **Adjournment**

Acting Chair Kahn adjourned the meeting. There being no further business, the meeting was adjourned at 6:04 p.m.

**NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary. **

City and County of San Francisco
Human Rights Commission

August 10, 2006 CANCELED

CANCELED

Regular Meeting

Thursday, August 10, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

CANCELED

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Attention!

The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:

August 24, 2006
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

SF
H&D
#1
8/24/06

Meeting Agenda

Thursday, August 24, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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Khaldoun A. Baghdadi, *Chair*
Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

HRC CALENDAR August/September 2006

August 03
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

August 09
Issues Advisory Committee Meeting
CANCELED

August 10
HRC Regular Commission Meeting
CANCELED

August 15
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

August 16
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

August 24
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

September 07
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 14
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

September 13
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 19
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 20
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 28
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

6. Consideration and possible adoption of Rules & Regulations implementing Chapter 14B Local Business Enterprise and Non-Discrimination in Contracting Ordinance
   Presenter: Preston Tom and Nichole T. Truax
   Action Item - Attachment provided

7. Consideration and possible adoption of HRC Certification Applications
   Presenter: Maria Cordero
   Action Items - Attachments provided

   a. Certification Instruction
   b. Small/Micro/Local Business Enterprise Program
   c. Small/Micro/Local Business Enterprise Program Recertification
   d. Non-Profit Entity
   e. SFPUC Regional

8. Review of HRC Contract Attachments
   Presenter: Veronica Ng
   Action Items - Attachments to be provided

   a. Attachment 1: Construction
   b. Attachment 2: Architectural, Engineering, and Professional Services
   c. Attachment 3: General Services

REGULAR BUSINESS

10. Presentation of Resolution Commending Former HRC Commissioner Malcolm A. Heinicke for His Service to the Human Rights Commission *(Approved 07-27-06)*
Discussion Item - No attachment

ADVISORY COMMITTEE REPORTS

11. Employment Committee: Report of August 03, 2006 Meeting
Commissioner Faye Woo Lee
Commissioner Carlota del Portillo
Commission Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
Discussion Item - No attachment

12. Lesbian Gay Bisexual Transgender Advisory (LGBT) Committee
Commissioner Cecilia Chung
Commissioner Mark Dunlop
Committee Staff: Larry Brinkin, Hadas Rivera-Weiss, Domenic Viterbo

    a. Report of August 15, 2006 Meeting
    Discussion Item - No attachment

    b. Letter to Board of Supervisors commending them for providing funding for a Transgender Employment Program
    Action Item - Attachment provided

13. Disadvantaged Business Enterprise (DBE) Advisory Committee Report of August 16, 2006
Commissioner Yoel Kahn
Commissioner Nazly Mohajer
Commission Staff: Selormey Dzikunu, James Fields, Bayard Fong
Discussion Item - No attachment

REGULAR BUSINESS

14. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items.

15. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures

The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

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Know Your Rights under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

City and County of San Francisco
Human Rights Commission

August 24, 2006 DRAFT

DRAFT MINUTES OF THE REGULAR MEETING OF THE HUMAN RIGHTS COMMISSION - Thursday, August 24, 2006

1. Call to Order and Roll Call

Chair Baghdadi called the meeting to order at 4:30 p.m.

Commissioners Present
Khaldoun Baghdadi
Cecilia Chung
Carlota del Portillo
Mark Dunlop
Yoel Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Sandra Sohcot

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HRC Staff Present

Frank Anderson; Larry Brinkin; Maria Cordero; Selormey Dzikunu; Bayard Fong; Cynthia Goldstein; Kabir Hypolite; Zula Jones; Veronica Ng; Sophia Simpliciano; Preston Tom; Nichole Truax and Carla Vaughn

Guest Present: Cathy Barnes, Deputy City Attorney

A quorum was present.

2. Circulate General Communications File

There was no General Communications file circulated.

3. Public Comment on Items Not on the Agenda

There was no public comment.

REPORT OF THE CHAIR

4. Report of the Chair

Chair Baghdadi pointed out that he has gotten word back from the City Attorney's Office about the potential of having two Co-Vice Chairs and was advised that it can not be done with respect to the delegation particularly in the Chair's absence. Chair

Baghdadi stated that he has consulted with the Director and it appears that the best thing to do is to have a Vice Chair. The election for Vice Chair will be reagendized at another Commission meeting.

There was no public comment.

5. Individual Commissioner Reports on Community Activities

Commissioner Lee stated that she has attended two exchanged program meetings. She has met with leaders from a delegation from China and professors from Hong Kong University.

There was no public comment on this item.

REPORT OF THE DIRECTOR

6. Consideration and possible adoption of Rules & Regulations implementing Chapter 14B Local Business Enterprise and Non-Discrimination in Contracting Ordinance

Director Harmon asked Nichole Truax and Preston Tom to explain the major rules of the Rules and Regulations. They have worked in putting together and implementing the new rules of the Rules and Regulations.

Ms. Truax stated that they met with Director Harmon, HRC Staff and City Attorney to discuss the new Ordinance and based on those discussions and the requirements of the new Ordinance, they made the changes on the Rules and Regulations. Ms. Truax pointed out that on the micro set aside program they included rules for its implementation. Additionally, sections on PUC, and non profit LBE certification were added. And under the DBE joint venture section, references to construction contracts were taken out, since under the new Ordinance, construction contracts with DBE joint venture participation are no longer entitled to receive a rating discount. Ms. Truax noted that the procedures for informal and formal contracts are now clearly outlined in the Rules and Regulations. She noted that the Deputy City Attorney, Cathy Barnes, revised the complaint and hearing procedures.

Commissioner Kahn stated that he received a call in question about payroll tax statements. Mr. Tom pointed that he also received the same call which the person is involved in a non profit agency. Mr. Tom stated that under the new Ordinance, non profit agencies are eligible to be certified with the HRC as an LBE to compete for city contracts. He further explained that the requirement that is in the Rules and Regulations is that non profits as well as for profits need to demonstrate that they pay payroll taxes on 51% of non exempt employees. Mr. Tom noted that the woman's concern was that non profits are exempt from paying payroll taxes and that no non profits could comply with the rule.

Mr. Tom stated that the have discussed the issue with the Director and with the City Attorney and have considered the issue and is comfortable that the language and terminology of non exempt in the Rules and Regulations. He said that there would not be any conflict with being able to be certified under the new rule. Non profits are non exempt, they would have designated and non designated exempt.

Commissioner Sohcot had questions between formal contract and informal contract advertising. Mr. Tom answered that for informal contracts the requirement is that they are not required to purchase an ad in the City's official newspapers or not required to seek out trade journal for posting it for bidding process. For the formal

contracts, this is a requirement that is imposed by other sections of City Administrative Codes, which they need to formally advertise for certain period of time in the City's official newspaper. Mr. Tom stated that they could have used the language of "department's website or other centralized city website." He noted that centralized city website what departments would go to for formal and informal contracts.

Ms. Truax noted that there is the issue on time. Informal contracts are often fast, they want to advertise them and awarded quickly.

Commissioner Sohcot pointed out that there is no language in regards to the waivers if they do not adhere to the policy. Director Harmon stated that there is procedure for departmental non compliance in the Ordinance. These apply to all and any non compliance issues.

Commissioner Mohajer also had questions on the non profits with respect to the payroll taxes. Commissioner Kahn suggested if any non compliance issues be reported under the Commission level before it goes to the Board of Supervisor.

Commissioner Kahn thanked the DBE Committee for their hard work in helping put the Rules and Regulations. Commissioner Mohajer echoed the same sentiment. Chair Baghdadi thanked the Staff for their hard work.

Chair Baghdadi entertained a motion to adopt the Rules and Regulations as presented with the Attachments. Moved by Commissioner Sohcot and Seconded by Commissioner Dunlop. It was passed unanimously.

There was no public comment on this item.

7. Consideration and possible adoption of HRC Certification Applications

a. Certification Instruction

b. Small/Micro/Local Business Enterprise Program

c. Small/Micro/Local Business Enterprise Program Recertification

d. Non-Profit Entity

e. SFPUC Regional

Maria Cordero stated that there have not been significant changes on the certification process and requirements; however, there are a lot of different applications. Ms. Cordero pointed out that the main changes are that they will be certifying local businesses, local as small businesses, local as micro businesses, SFPUC Regional businesses that are located within water system service area and non profit organizations. Ms. Cordero pointed out that in order to make it easier for business owners and Staff; they will be working very closely with the SFPUC staff.

Ms. Cordero noted that the date line of January 1, 2007 is to make sure that all the businesses certified in the HRC database comply with the principal place of business. There will be 11 documents required for sole proprietor companies and corporations will be required to submit the Articles of Corporation. Ms. Cordero stated that the application is self explanatory. The most important items that are somehow difficult are the proof of principal place of business.

Ms. Cordero stated that the recertification process is much easier. They would only need to fill out a one page application, submit their taxes, update new information and do a site visit. The site visit is a requirement in San Francisco and SFPUC Regional for certification and recertification.

Again there were lots of discussions on the non profits in regard to the payroll taxes. Commissioner Mohajer pointed out that there will be a lot of questions on this issue but would not be a concern. Commissioner Kahn stated that he has language questions he has about the applications which needs to be clarified.

There was a lot of discussion on this part regarding the non profit certification.

Commissioner Kahn believes that having the current language in the non profit application will not have any non profit be certified. Commissioner Kahn suggested doing a rewrite on the non profit application with consultation with the City Attorney. Commissioner Kahn also suggested that the Director communicates to the Board of Supervisors that the Ordinance as drafted is unimplementable. Commissioner Patton agreed with Commissioner Kahn and suggested to take a look at the non profit application again before it gets implemented.

Chair Baghdadi stated that there is certainly a need for redrafting, but there is a need also to have a draft by September 1st. The Commissioners were pretty much divided in accepting and passing the non profit application. Director Harmon agreed that they could remove several items on the applications and a follow up questions could be asked at a later time and supporting documentation could be requested as permitted by the rules.

Chair Baghdadi proposed to removed questions 7, 8, 9 and modify question 14 to identify all Board members and employees of the non profits by name and address only. Also he suggested removing question 16 and all other portions of the application will remain intact and will adopt the application in the modified form for the purposes of allowing the application to move forward. Then after give to the staff for redrafting.

Commissioner Sohcot made a motion to accept the application with the modification and Commissioner Del Portillo Seconded the motion.

Ms. Cordero stated that the SFPUC Regional application is new for the rate payer and businesses owners in the water service system area. They want to be able to get the 10% bid discount. The application is only for businesses that are located within the service system area. The number of items asked for in the application is different and the principal place of business.

Chair Baghdadi asked to entertain a motion for all the application presented. Moved, Commissioner Sohcot and Seconded, Commissioner Patton and it was approved unanimously.

There was no public comment on this item.

8. Review of HRC Contract Attachments

a. Attachment 1: Construction

b. Attachment 2: Architectural, Engineering, and Professional Services

c. Attachment 3: General Services

Director Harmon stated that the Attachments are documents that go out with the request for bids, request for proposals and request for qualifications when the City is beginning the process to solicit contracts.

Veronica Ng presented the revised HRC bidding documents for all City contracts under 14B Ordinance. Ms. Ng pointed out that each one of the attachments would have the Rules and Regulations under the 14B Ordinance.

Ms. Ng stated that the main difference from before is that it goes along with the new 14B Ordinance requirements. The LBE requirements will be there instead of the DBE goals. The other difference would be for the bid discounts for joint venture.

Director Harmon noted that another significant change is that the new Ordinance requires contractors to vote a chief sub contracting goals (I think this is what Virginia said) and document their good faith effort outreach, which is under the non discrimination program to ensure that contractors are offering opportunities to MBEs, WBEs and OBEs. Director Harmon pointed out that a bidder will be determined non responsive if they fail to achieve the goal or fail to demonstrate their good faith outreach.

Commissioner Patton asked if there was anything in the general services or contracts requirements link to employment services for community hiring or for local hiring. Is HRC consistent and aligned with the First Source Hiring Program goals? Director Harmon answered that the City's employment program is the First Source Hiring Program and it is separate from the Human Rights Commission. HRC's obligations are to ensure that the contractors do not discriminate in the hiring and firing treatment of employees on City contracts. The compliance will be handled by the First Source Hiring administration. HRC's goal is to continue to implement Chapter 12B which requires that contractors not discriminate in hiring and firing employees on City contracts.

Commissioner Kahn suggested that staff and City Attorney take another read through the Attachments for typos, clarity and other minor matters before taking up a motion to approve them. Chair Baghdadi accepted the suggestion and moved the motion at the next meeting.

There was no public comment on this item.

REGULAR BUSINESS

9. Presentation of Resolution Commending Former HRC Commissioner Malcolm A. Heinicke for His Service to the Human Rights Commission

Chair Baghdadi read the HRC Resolution before presenting it to Mr. Heinicke on behalf of the Commission. Mr. Heinicke stated that he was very grateful for the commendation. Mr. Heinicke started by thanking his family for their support. He thanked his senior partner Jerry Roth sp? for letting him do what he does and for his support.

Mr. Heinicke stated that the best aspect as a Human Rights Commissioner is meeting new people, learned new things from the Commission, he learned the value of process and how important it is to listen to all points of view. He noted that he appreciated the friendship. He thanked the Director and stated that he has enjoyed working with her. He pointed out that he was glad to know that the Commission is in Chair Baghdadi's hand. He thanked HRC staff for their confidence and their support. He noted that he has enjoyed his four years working for the Commission.

Chair Baghdadi thanked Mr. Heinicke for his patience and the dignity that he brought to the process in which he stated that he learned from watching him address the Commission.

Commissioner Dunlop stated that it was a pleasure to have worked with Mr. Heinicke under the short period in the Commission. Commissioner Dunlop noted that it was an honor working with Mr. Heinicke.

Commissioner Lee pointed out that Mr. Heinicke had been a wonderful leader for the Commission. She stated that she admired his skill and his patience. She wished him the best of luck in the Taxi Commission.

Commissioner Sohcot thanked Mr. Heinicke for his input, his guidance and leadership.

Commissioner Chung stated that it has been a pleasure knowing Mr. Heinicke. She noted that it was refreshing watching him facilitate the meetings. Commissioner Chung pointed that no matter what Commission he will serve that he would make a great leader.

Commissioner Kahn stated that he seconded all the other Commissioners remarks. He thanked Mr. Heinicke how he modeled the values the mission of the Commission. He was very grateful.

Commissioner Del Portillo also stated that she seconded all what the other Commissioners have said, however, she noted that she learned by watching the skills on how he handled the Commission. She thanked him for his contributions and wished him luck.

Commissioner Mohajer also seconded all what the other Commissioners have said. She stated that she had learned tremendously from Mr. Heinicke. It has been inspiring watching how he handled the Commission.

Commissioner Patton seconded all the other Commissioners. She stated that she appreciated how he acknowledged the public and made them feel that they are being heard.

Commissioner Norman acknowledged him for his work at the Commission and wished him the best of luck in the Taxi Commission. She acknowledged Mr. Heinicke's wife and children for allowing him to do what he has done.

Director Harmon thanked Mr. Heinicke for the past four years. She thanked him personally for his guidance and support. On behalf of the staff, she wished him the best.

ADVISORY COMMITTEE REPORTS

10. Employment Committee: Report of August 3, 2006 Meeting

Kabir Hypolite reported that they had a report from Chris Iglesias from CityBuild Program. Mr. Hypolite stated that Mr. Iglesias brought along Rhonda Simmons from the Mayor's Office. Ms. Simmons is the new representative for workforce and economic development. Mr. Hypolite pointed out that the Committee members were interested in finding out more about Ms. Simmons' role and the current state of the workforce in San Francisco and how the Mayor's Office will be organizing its services, developing the economy and the workforce in San Francisco.

Mr. Hypolite pointed out that Mr. Iglesias talked about the new CityBuild initiatives and gave an overview of where they are. He stated that he was very optimistic about the construction industry in San Francisco. He stated that City Build is now an operational City project and not just a pilot program.

Mr. Hypolite also reported that they had a presentation from Glen Igleson sp? the senior planner policy analyst with the Department of Children, Youth and Family. Mr. Hypolite noted that the efforts on behalf of the City's youth right now are somehow in disarray. He stated that Ms. Simmon's will be focusing and reorganizing its efforts on behalf of the youth in San Francisco in finding them employment.

Mr. Hypolite also stated that the Committee is also focusing on the youth that coming out of transitional situation from foster youth and emancipation youth.

Mr. Hypolite also pointed out that there is a proposal to amend Chapter 12A and Chapter 12B in the San Francisco Administrative Code to eliminate the upper age limit for acceptance of age discrimination complaints by the agency. Currently in place is the age 65. He stated that at the Federal and State level that it has been eliminated back in the 80's.

There was no public comment on this item.

11. Lesbian Gay Bisexual Transgendered Advisory (LGBT) Committee

a. Report of August 15, 2006

Larry Brinkin reported that the Committee is working on a proposal on anti racism in the LGBT community. They are also working on immigration and asylum issues as they affect the LGBT community. On the Native American taskforce they are preparing for the public hearing on October 12, 2006. Mr. Brinkin also stated that they have an outreach sub committee that are looking at ways to do better recruitment and let the community know what activities the Commission and the Committee are doing.

b. Letter to Board of Supervisors commending them for providing funding for a Transgender Employment Program

Mr. Brinkin asked the Commission to send along a letter to Aaron Peskin commending the Board for setting aside $300,000 for transgender employment program. This recommendation to the Board was made in 1994. Mr. Brinkin made a change to add to the letter to state that the Ordinance has a title which is the Comprehensive Transgender Employment Initiative.

Chair Baghdadi made a motion to accept the letter with the correction. Moved by Commissioner Dunlop and Seconded by Commissioner Norman (I think it was her). It was voted unanimously.

There was no public comment on the item.

12. Disadvantaged Business Enterprise (DBE) Advisory Committee

Commissioner Kahn noted that the Committee will be renamed LBE (Local Business Enterprise) and NDIC (Non Discrimination in Contracting) Advisory Committee. Director Harmon confirmed that it will be known as the LBE Advisory Committee.

Commissioner Kahn pointed that the Committee had a meeting which they addressed

concerns about the current draft of the Rules and Regulations. He noted that at the next agenda they will commend the Director, staff and City Attorney's Office for their hard work to pass the new Ordinance and all the supporting documents.

There was no public comment on this item.

REGULAR BUSINESS

13. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items

Commissioner Patton suggested looking at the violence going on the City overall. She said that the information is there and the Commission could come up with some respond and solution that could possibly be adopted through the Board of Supervisors.

Commissioner Chung agreed that the Commission look into this also. She stated that there are a lot of issues on racism. She asked to look into taking the Commission meeting into the community.

Commissioner Mohajer noted of an incident at the airport that happened where prominent, highly educated Iranian professors with valid visas where questions and detained and sent back. She stated that this is truly a violation of any human rights. Commissioner Mohajer asked why could this happen and if and what is the Commission's jurisdiction.

There was no public comment on this item.

14. Adjournment

Chair Baghdadi adjourned the meeting. There being no further business, the meeting was adjourned at 7:06 p.m.

**NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary. **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

SF
HRC
#1
9/14/06

Meeting Agenda

Thursday, September 14, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Khaldoun A. Baghdadi, *Chair*
Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Linda Fadeke Richardson
Sandra E. Sohcot

Virginia M. Harmon, *Director*

HRC CALENDAR September/October 2006

September 07
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 14
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

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September 28
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

October 05
Employment Committee Meeting
1:30pm
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5:30pm
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HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

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ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of Minutes of Commission Meeting of May 11, 2006
   Action Item - Attachment to be provided

5. Approval of Minutes of Commission Meeting of June 8, 2006
   Action Item - Attachment to be provided

6. Approval of Minutes of Commission Meeting of June 22, 2006
   Action Item - Attachment to be provided

REPORT OF THE CHAIR

7. Report of the Chair
   Discussion Item - No attachment

8. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

9. Update on the 14B Ordinance Implementation
   Discussion Item - No attachment

10. Presentation of Chapter 14A Waiver Report for August 2006
    Presenter: Veronica Ng
    Discussion Item - Attachment to be provided

REGULAR BUSINESS

11. Letter to the SFIA Homeland Security Office regarding the Denial of Entry to Iranian Visitors
Action item - Attachment to be provided

12. Discussion of the Agenda for the October 12, 2006 Native American Public Hearing
Presenter: Marcus Arana
Discussion Item - Attachment to be provided

13. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items.

14. Adjournment

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City and County of San Francisco
Human Rights Commission

September 14, 2006 DRAFT

DRAFT MINUTES OF THE REGULAR MEETING OF THE HUMAN RIGHTS COMMISSION
Thursday, September 14, 2006

1. Call to Order and Roll Call

Chair Baghdadi called the meeting to order at 4:32 p.m.

Commissioners Present	Commissioners Not Present
Khaldoun Baghdadi	Cecilia Chung
CarlotaDel Portillo	Mark Dunlop
Yoel Kahn	
Faye Woo Lee	
Nazly Mohajer	
Pat Norman	
Ellouise Patton	
Linda Richardson	
Sandra Sohcot	

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HRC Staff Present

Virginia Harmon; Marcus Arana; Larry Brinkin; Cynthia Goldstein; Sophia Simpliciano; Roel Villacarlos, Carla Vaughn and Jane Adminstone (sp?) intern

Guests Present: Hay? Lu sp?, Genevive Long (sp?), Yaking Nelson, Cathy Ma, and Mng Wa Chang all from Falun Gong (I don't have the cards to check their names/spelling); Cathy Barnes, Deputy City Attorney

Chair Baghdadi welcomed Commissioner Richardson the newest member of the Commission. He congratulated her for her appointment.

A quorum was present.

2. Circulate General Communications File

There was no General Communications file circulated.

3. Public Comment on Items Not on the Agenda

Hay? Lu (sp?), Genevive Long, Yaking Nelson (sp?), Cathy Ma, and Ming Wa Chang, all from the Falun Gong group spoke about not being allowed to participate in the Chinese New Year's Parade by the San Francisco Chinese Chamber of Commerce that is funded by the City and County of San Francisco. Mr. Lu stated that they have been applying to participate since the year 2000 and has always been rejected because of their Falun Gong practice which is being persecuted unjustly in China and being extended in the US. Ms. Long stated that Falun Gong is not political but a meditation practice based on truth, compassion and tolerance. Ms. Nelson asked the Commission to investigate on the discrimination of the Falun Gong group. Ms. Ma stated that through her Falun Gong practice, she has maintained a healthier life. Ms. Chang stated that the San Francisco Chinese Chamber of Commerce should not be allowed to organize the Chinese New Year's Parade in San Francisco because they are carrying out the policy of persecution of the Chinese Communist Party in China.

Commissioner Lee asked the Falun Gong group if they have applied for the New Year's parade for the year 2007 and if it has been denied. Mr. Lu stated that they are not accepting application until November, but they will be submitting an application.

Commissioner Del Portillo asked the Commission to be clear on what they can do to help the Falun Gong group since they have been coming to the Commission and has not gotten any answers. Director Harmon pointed out that there is a pending complaint before the Commission and is being actively being investigated by Staff and working with the City Attorney's Office since there has been a lawsuit filed in the interim. Chair Baghdadi noted that while the investigation is pending the Commission

cannot comment on any of the findings. He stated that the Director will inform the Commission once the results have been reached. Director Harmon further noted that Staff has been in communication with the Complainant. Chair Baghdadi stated that the lawsuit would affect the investigation.

APPROVAL OF MINUTES

4. Approval of Minutes of Commission Meeting of May 11, 2006

5. Approval of Minutes of Commission Meeting of June 8, 2006

6. Approval of Minutes of Commission Meeting of June 22, 2006

The minutes of Commission Meetings of May 11, 2006, June 8, 2006 and June 22, 2006 were presented to the Commission for approval. The approval was Moved by Commissioner del Portillo and Seconded by Commissioner Sohcot and was accepted.

REPORT OF THE CHAIR

7. Report of the Chair

Chair Baghdadi reported that the Arab Cultural and Community Center is hosting the Arab Cultural Festival on Sunday, September 17, 2006 at 10am in Golden Gate Park, on 9th Avenue and Lincoln. He asked the Commissioners to join him.

There was no public comment on this item.

8. Individual Commissioner Reports on Community Activities

Commissioner Del Portillo pointed out that between September 15 and October 15 is Hispanic/Latino Heritage month. She stated that there will be a lot of activities going

on the City. She pointed out that Channel 9 will be featuring programs on the Hispanic/Latino culture and history.

There was no public comment on this item.

REPORT OF THE DIRECTOR

9. Update on the 14B Ordinance Implementation

Director Harmon first welcomed Commissioner Richardson on behalf of Staff. She stated that she looks forward in working with her. Director Harmon introduced HRC's new intern, Jane Adminstone (sp?) serving in the LGBT/HIV Division. Ms. Administone pointed out that she is a 3rd year law student from Northeastern University in Boston.

Director Harmon gave a brief update on the new 14B Ordinance. As of September 1st, the new Rules and Regulation, HRC Attachments and Certification Applications have been posted on the HRC's websites and the City's internet websites for use by the City departments and the public. She stated that HRC has received new Certification applications. Contracts are working under the new Ordinance and process is moving forward. Director Harmon pointed out that the second training for HRC Staff was held on Friday, September 8th. All the other City departments are in the process of being trained by HRC Staff Veronica Ng, Preston Tom and Nichole Truax.

Commissioner Kahn asked if HRC has received any certification application from non-profit organizations. Director Harmon stated that they have not, but have received inquiries.

There was no public comment on this item.

10. Presentation of Chapter 14A Waiver Reports for July and August 2006

Roel Villacarlos presented the waiver reports for July and August 2006. There was no public comment on this item.

REGULAR BUSINESS

11. Letter to the SFIA Homeland Security Office regarding the Denial of Entry to Iranian Visitors

Chair Baghdadi stated that this is a letter address to Mr. Vigna at the Homeland Security Office at the San Francisco Airport regarding the denial of entry in San Francisco to numbers of visitors who came to the US to attend a reunion of Sharif University. The Chair pointed out that this is a letter of concerned and an invitation for someone from US Custom or Homeland Security to help us understand on what happened and to prevent it from not happening in the future.

Commissioner Mohajer stated that the letter was appropriate and that the Homeland Security Office accepts the invitation to come and speak to the Commission. The people who experienced the horrible treatment need answers to what happened to them and why it happened. Commissioner Del Portillo asked that the letter be sent special delivery so that it gets their in a timely manner and that an answer can be returned and provided by the next Commission meeting. Commissioner Richardson suggested that the legislative board and the Mayor should be cc'd in the letter. She stated that the City has an obligation to inquire on what happened.

Chair Baghdadi noted that the Board of Supervisors will be cc'd on the letter upon approval. Commissioner Sohcot made a motion to approve the letter and suggested to make a follow up by Staff to make sure the letter was received upon receipt of the letter. A second was made by Commissioner Patton. Commissioner Kahn suggested in the event that the Homeland Security Office and Custom and Borders Protection take up the invitation to speak before the Commission, that the Immigrant Rights Commission be notified and ask them to join them for the hearing.

Chair Baghdadi noted that the letter is approved and accepted with the changes included that the letter be cc'd to the President, Secretary of State, Secretary of Homeland Security, Immigrants Rights Commission and enclosure of the letters from the members of the Sharif University.

There was no public comment on this item.

12. Discussion of the Agenda for the October 12, 2006 Native American Public Hearing

Marcus Arana reported that he will be the Staffing the hearing on October 12. Mr. Arana pointed out that the agenda right now is a draft agenda. There will be some groups on the agenda that will be taken out and some will be added. He stated that they held two focus group and what came out of it were issues on health wellness, education, cultural issues and government. He pointed out that there has been great response from Native American groups about the hearing and inquiries from all over the country, even from Canada.

Mr. Arana noted that people who don't have the opportunity to speak can submit written testimony and will be included for consideration for the report. There were a lot of suggestions and comments among the Commissioners on this upcoming hearing. The hearing will be held at City Hall. Mr. Arana stated that the community is very grateful for the attention that the Commission is giving to the issue.

There were no public comments on this item.

13. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items

Chair Baghdadi discussed the possibility of setting up the Commission meeting out in the community. Director Harmon noted that now that the Ordinance has passed, she agreed that it is important to address topics that are of concerned to particular communities. She looks forward to working with the Commissioners.

Commissioner Patton welcomed Commissioner Richardson to the Commission. She stated that she looks forward to working along with her. She pointed out that when going into the community you must go with tangible solutions and expected outcomes. Commissioner Del Portillo mentioned that the African American community and the Latino community have joined forces in dealing with issues in community policing. Commissioner Lee would like to get an update on the SF police video. Chair Baghdadi asked the Director if she could provide a report at the next Commission meeting.

Commissioner Kahn asked if the Commission could get an update in the future on the 49ers video. He also would like the Commission to think about what would be the appropriate way to revisit the Environmental Racism Report and see what kind of progress has been made.

Chair Baghdadi asked if Commissioners Patton and Richardson could take the lead on looking into a possible meeting in the Bayview. Commissioner Richardson gladly accepted.

There was no public comment on this item.

14. Adjournment

Chair Baghdadi adjourned the meeting. There being no further business, the meeting was adjourned at 6:00 p.m.

**NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary. **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

SF
H 2 3
H 1
9/28/06

Meeting Agenda

Thursday, September 28, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

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Cecilia C. Chung
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Linda Fadeke Richardson
Sandra E. Sohcot

Virginia M. Harmon, *Director*

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.sfhrc.org

HRC CALENDAR October/November 2006

October 05
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 12
HRC Regular Commission Meeting
4:30pm
City Hall, Board Chambers

October 11
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 17
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 18
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 26
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

November 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 08
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 09
HRC Regular Commission Meeting
4:30pm
City Hall, Board Chambers

November 21
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 22
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 23
HRC Regular Commission Meeting
CANCELED

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ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
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REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

6. Consideration and Election of the Commission Vice-Chair
   Action Item - No attachment

REPORT OF THE DIRECTOR

7. Update on the HRC Monitoring of the San Francisco 49ers Diversity Plan
   Discussion Item - No attachment
   Presenter: Larry Brinkin

REGULAR BUSINESS

8. Follow-up on the Denial of Entry to Iranian Visitors
   Discussion Item - No attachment

9. Update on the October 12, 2006 Native American Hearing
   Discussion Item - No attachment
   Presenter: Marcus Arana

ADVISORY COMMITTEE REPORTS

10. Employment Committee: Report of September 7, 2006 Meeting
Commissioner Faye Woo Lee
Commissioner Carlota del Portillo
Commission Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
Discussion Item - Attachment to be provided

11. Issues Committee: Report of September 13, 2006 Meeting
Commissioner Ellouise Patton
Commissioner Pat Norman
Commissioner Sandra Sohcot
Committee Staff: Larry Brinkin, Hadas Rivera-Weiss, Domenic Viterbo
Discussion Item - No attachment

12. Lesbian Gay Bisexual Transgender (LGBT) Advisory Committee Report of September 19, 2006 Meeting
Commissioner Cecilia Chung
Commissioner Mark Dunlop
Committee Staff: Larry Brinkin, Hadas Rivera-Weiss, Domenic Viterbo
Discussion Item - No attachment

13. Disadvantaged Business Enterprise (DBE) Advisory Committee Report of September 20, 2006
Commissioner Yoel Kahn
Commissioner Nazly Mohajer
Commission Staff: Selormey Dzikunu, Bayard Fong, Zula Jones
Discussion Item - No attachment

14. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items.

15. Adjournment

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HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Special Meeting Agenda

Thursday, October 12, 2006
4:30 p.m.
City Hall, Legislative Chamber, Second Floor
1 Dr. Carlton B. Goodlett Place

80
1
10/12/06

ROSTER OF COMMISSIONERS

Khaldoun A. Baghdadi, *Chair*
Cecilia C. Chung, *Vice Chair*
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Pat Norman
Ellouise Patton
Linda Fadeke Richardson
Sandra E. Sohcot

Virginia M. Harmon, *Director*

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Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
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HRC Regular Commission Meeting
4:30pm
City Hall, Board Chambers

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Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 17
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 18
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 26
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

November 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 08
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 09
HRC Regular Commission Meeting
4:30pm
City Hall, Board Chambers

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LGBT Advisory Committee Meeting
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Main Conference Room

November 22
DBE Advisory Committee Meeting
5:30pm
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Main Conference Room

November 23
HRC Regular Commission Meeting
CANCELED

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REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REGULAR BUSINESS

6. Public Hearing on Native American Issues in San Francisco
   Discussion Item - No attachment

7. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items
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HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

SF
480
#1
10/26/06

Regular Meeting Agenda

Thursday, October 26, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

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Cecilia C. Chung, *Vice Chair*
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Ellouise Patton
Pat Norman
Linda Fadeke Richardson
Sandra E. Sohcot

Virginia M. Harmon, *Director*

HRC CALENDAR November/December 2006

November 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 08
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 09
HRC Regular Commission Meeting
4:30pm
City Hall, Board Chambers

November 21
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 22
LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 23
HRC Regular Commission Meeting
CANCELED

December 07
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 13
Issues Advisory Committee Meeting
CANCELED

December 14
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

December 19
LGBT Advisory Committee Meeting
CANCELED

December 20
LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 28
HRC Regular Commission Meeting
CANCELED

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REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

6. Resolution honoring the services of James Fields
   Action Item - Attachment to be provided

7. Resolution endorsing the UN Principle of the Responsibility to Protect
   Action Item - Attachment provided
   Presenter: Mary Gin Starkweather

REGULAR BUSINESS

8. Presentation of Progress Report of the San Francisco 49ers' Diversity Plan
   Discussion Item - Attachment provided
   Presenter: Larry Brinkin and Lisa Lang (49ers, Vice President of Communications)

9. Follow-up discussion on the denial of entry to Iranian visitors
   Discussion Item - Attachment provided

ADVISORY COMMITTEE REPORTS

10. Employment Committee: Proposal to recommend amending Chapters 12A and 12B of the SF Administrative Code to eliminate upper age limit for acceptance of age discrimination complaints
Commissioner Faye Woo Lee
Commissioner Carlota del Portillo
Commission Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
Action Item - Attachments provided

11. Issues Committee: Report of October 11, 2006 Meeting
Commissioner Ellouise Patton
Commissioner Pat Norman
Commissioner Sandra Sohcot
Committee Staff: Emil DeGuzman, Carmen Smith
Discussion Item - No attachment

12. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC) Report of October 17, 2006 Meeting
Commissioner Cecilia Chung
Commissioner Mark Dunlop
Committee Staff: Larry Brinkin, Hadas Rivera-Weiss, Domenic Viterbo
Discussion Item - No attachment

13. Local Business Enterprise Advisory Committee (LBEAC) Report of October 18, 2006
Commissioner Yoel Kahn
Commissioner Nazly Mohajer
Commission Staff: Selormey Dzikunu, Bayard Fong, Zula Jones
Discussion Item - No attachment

14. Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items
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HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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11/9/06

Regular Meeting Agenda

Thursday, November 9, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Khaldoun A. Baghdadi, *Chair*
Cecilia C. Chung, *Vice Chair*
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Ellouise Patton
Pat Norman
Linda Fadeke Richardson
Sandra E. Sohcot

Virginia M. Harmon, *Director*

HRC CALENDAR November/December 2006

November 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 08
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 09
HRC Regular Commission Meeting
4:30pm
City Hall, Board Chambers

November 21
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 22
LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 23
HRC Regular Commission Meeting
CANCELED

December 07
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 13
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 14
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

December 19
LGBT Advisory Committee Meeting
CANCELED

December 20
LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 28
HRC Regular Commission Meeting
CANCELED

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

6. Presentation of 14B Waiver Report for October 2006
   Discussion Item - Attachment to be provided

7. Update of Chapter 14B Implementation: Progress and Problems
   Discussion Item - Attachment to be provided
   Presenters: Veronica Ng, Preston Tom, Nichole T. Truax

REGULAR BUSINESS

8. Consideration of Mayor's letter regarding a Commission Attendance Policy
   Discussion Item & Possible Action - Attachment to be provided

9. Informational Presentation on Community Service requirements in public schools
   Discussion Item - No attachment
   Presenter: Mary Gin Starkweather

ADVISORY COMMITTEE REPORTS

10. **Employment Committee: Report of November 02, 2006**
Commissioner Faye Woo Lee
Commissioner Carlota del Portillo
Commission Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
Discussion Item - No attachment
Presenter: Mary Gin Starkweather

11. **Issues Committee: Report of November 08, 2006 Meeting**
Commissioner Ellouise Patton
Commissioner Pat Norman
Commissioner Sandra Sohcot
Committee Staff: Emil DeGuzman, Carmen Smith
Discussion Item - No attachment

12. **Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items**
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items.

13. **Adjournment**

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

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City and County of San Francisco
Human Rights Commission

November 23, 2006 CANCELED

CANCELED

Regular Meeting

Thursday, November 23, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

CANCELED

Attention!

The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:

December 14, 2006
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

SF
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12/14/06

Regular Meeting Agenda

Thursday, December 14, 2006
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Khaldoun A. Baghdadi, *Chair*
Cecilia C. Chung, *Vice Chair*
Carlota del Portillo
Mark D. Dunlop
Yoel H. Kahn
Faye Woo Lee
Nazly Mohajer
Ellouise Patton
Pat Norman
Linda Fadeke Richardson
Sandra E. Sohcot

Virginia M. Harmon, *Director*

HRC CALENDAR December 2006/January 2007

December 07
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 13
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 14
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

December 19
LGBT Advisory Committee Meeting
CANCELED

December 20
LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 28
HRC Regular Commission Meeting
CANCELED

January 04
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 10
Issues Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 11
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

January 16
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 17
LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 25
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

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Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No attachment

REPORT OF THE DIRECTOR

6. Presentation of 14B Waiver Report for November 2006
   Discussion Item - Attachment to be provided
   Presenter: Roel Villacarlos

7. 2007 Budget Update: Request of Budget Subcommittee for appointments
   Discussion Item - No attachment

8. Update on Citywide Bond & Financial Assistance Program
   Discussion Item -Attachment provided

CLOSED SESSION-CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION-City as Defendant

9. Motion that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following pending litigation filed against the City and County of San Francisco.
   Action Items - No attachment

a. *US Western Falun Dafa Association and Eva Chuk on behalf of City of San Francisco Taxpayer vs. City and County of San Francisco by and through Mayor Gavin Newsom, and Chinese Chamber of Commerce and Does 1 through 20,* Superior Court of the State of California, County of San Francisco, Case No. CGC-06-449061.

b. *Les Natali vs. San Francisco Human Rights Commission, and Virginia M. Harmon, Executive Director,* Superior Court of the State of California, County of San Francisco, Case No. 506-465

The Closed Session is permitted by California Government Code Section 54956.9(a) and Administrative Code (Sunshine Ordinance) Section 67.10(d)(1), and discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending litigation. (City Attorney)

RECONVENE IN OPEN SESSION

10. **Vote in open session on whether to disclose no information or to disclose all or portions of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a).**
Action Item - No attachment

REGULAR BUSINESS

11. **Presentation of Resolution Commending James Fox Fields**
Discussion Item - No attachment

12. **Follow-up on the Denial of Entry to Iranian Visitors at SFIA in August 2006**
Discussion Item - No attachment

13. **Request for Commission Co-Sponsorship of the Transgender Leadership Summit Report**
Discussion Item - Attachment to be provided

14. **Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items**
This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items.

15. **Adjournment**

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City and County of San Francisco
Human Rights Commission

December 14, 2006 DRAFT

DRAFT MINUTES OF THE REGULAR MEETING OF THE HUMAN RIGHTS COMMISSION
Thursday, December 14, 2006

Call to Order and Roll Call

Chair Baghdadi called the meeting to order at 4:38 p.m.

Commissioners Present	Commissioners Not Present
Khaldoun Baghdadi	Faye Woo Lee
Cecilia Chung	Ellouise Patton
Carlota del Portillo	
Mark Dunlop	
Yoel Kahn	
Nazly Mohajer	
Pat Norman	
Linda Richardson	
Sandra Sohcot	

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HRC Staff Present

Virginia Harmon; Frank Anderson; Larry Brinkin; Cynthia Goldstein; Ed Ilumin; Sophia Simpliciano; Mercy Gharechedaghy and Carla Vaughn

Guests Present: Alicia Cabrera , City Deputy Attorney; James Fields; Bibi Nann

A quorum was present.

2. Circulate General Communications File

There was no General Communications file circulated.

3. Public Comment on Items Not on the Agenda

There was no public comment.

REPORT OF THE CHAIR

4. Report of the Chair

There was no report of the Chair.

5. Individual Commissioner Reports on Community Activities

Commissioner Mohajer introduced Bibi Nann (sp?) who is a high school senior from Irvington High School in Fremont. Ms. Nann (sp?) is doing a research on human rights and is shadowing Commissioner Mohajer and working with her to learn more about human rights. Chair Baghdadi welcomed Ms. Nann (sp?).

There was no public comment on this item.

REPORT OF THE DIRECTOR

6. Presentation of 14B Waiver Report for November 2006

Director Harmon presented the Waiver Report. Commissioner Kahn stated that he appreciated the new format of the report.

There was no public comment on this item.

2007 Budget Update: Request of Budget Subcommittee for appointments

Director Harmon stated that she has received preliminary information from the Mayor's Budget Office for the next year's budget that will begin July 1, 2007. The Director pointed out that there will be a 3% reduction to the general fund. The Director asked the Commission to appoint a sub committee to work with her for next year's budget. Chair Baghdadi, Commissioners Mohajer and Richardson volunteered to work on the committee with the Director.

The Director pointed out that the first budget presentation will be at the January 25, 2007 Commission meeting for the full Commission approval which will be entered in the budget system by February 1st.

There was no public comment on this item.

Update on Citywide Bond & Financial Assistance Program

Director Harmon reported that the program is doing very well. The contract will conclude at the end of the year and in the process of resoliciting it. The Director stated that they will be selecting a new consultant from proposals that they have received.

Commissioner Richardson noted that the HRC program is being looked at as a model for the entire state. She suggested in enlarging the program.

There was no public comment on this item.

CLOSED SESSION-CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION-CITY AS Defendant

9. Motion that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following pending litigation filed against the City and County of San Francisco.

Chair Baghdadi announced that since there are two separate items on the closed session, there would be two separate motions to enter the closed session. He briefly explained the purpose of closed session. The Chair asked for a motion to enter the closed session (at 4:50pm) for item A. Moved (Kahn) Seconded (Richardson) The Chair asked for a motion to enter the closed session for item B. Moved (Sohcot) Seconded (Richardson)

a. US Western Falun Dafa Association and Eva Chuk on behalf of City of San Francisco Taxpayer vs. City and County of San Francisco by and through Mayor Gavin Newsom, and Chinese Chamber of Commerce and Does 1 through 20, Superior Court of the State of California, County of San Francisco, Case No. CGC-06-449061

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RECOVENE IN OPEN SESSION

10. Vote in open session on whether to disclose no information or to disclose all or portions of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a).

Chair Baghdadi asked for a separate motion for Items 9A and 9B for the open session whether to disclose or not to disclosed no or all information discussed in closed

session. Commissioner Richardson moved not to disclose any information of the closed session on Item 9A. Commissioner Norman seconded the motion. Commissioner Kahn moved not to disclose any information of the closed session on Item 9B. Commissioner Del Portillo seconded.

REGULAR BUSINESS

11. Presentation of Resolution Commending James Fox Fields

On behalf of the Commission and himself, Chair Baghdadi stated that it has been an honor and a pleasure to work with Mr. Fields over the time he has been a Commissioner for the Commission. Chair Baghdadi also thanked Mr. Fields for his dedication, his assistance and efforts.

Commissioner Dunlop also thanked Mr. Fields for his graciousness. Commissioner Kahn thanked Mr. Fields for the great work he did for the LBE Committee and the Commission and wished him the best. Commissioner Richardson thanked Mr. Fields for his service to the City. Commissioner Mohajer also thanked Mr. Fields for his work for the LBE Committee and the Commission.

On behalf of the Staff, Director Harmon thanked Mr. Fields for his years of service and expressed HRC's gratitude for his friendship and support. The Director noted that HRC look forward in continuing to work with Mr. Fields at the Redevelopment Agency.

James Fields stated that he was more than honored to have had the opportunity to work with all the past and present Commissioners, Directors and members of the HRC Staff and Committees for the Commission. Mr. Fields thanked the Commission.

There was no public comment on this item.

12. Follow-up on the Denial of Entry to Iranian Visitors at SFIA in August 2006

Commissioner Mohajer reported that she met with US Customs and Border Protection along with Director Harmon, Commissioner Baghdadi and Commissioner Richardson. Commissioner Mohajer stated that they met with the Field Director of Operation and

three of his Managers and Border Security Program Manager. Commissioner Mohajer said that three points came out of the meeting: 1) they agreed to appear and speak to the Commission 2) they agreed to join the Commission for a joint meeting with the another division of Homeland Security, who was responsible for the incarceration of the people and 3) they agreed to look into the possibility of creating the waiting area at the airport for people who has been denied entry to the United States.

Commissioner Mohajer pointed out that they confirmed that the reason that the visas were denied were because they received instructions from the State Department that the visas has been revoked. When asked for more detail of why it was revoked, they could not answer the questions. Commissioner Mohajer pointed out that what was more important was they were open to the possibility of creating a location for a waiting area or station to prevent humiliation for future visitors in San Francisco.

Commissioner Norman suggested that HRC should contact George Schultz and Nancy Pelosi. Commissioner Richardson stated that looking into the matter has made an impact on how the State and Federal government will handle the issue in the future. Chair Baghdadi noted that it was a positive meeting and that he learned a lot on how the process works. Commissioner Kahn suggested meeting with the Airport Commission to discuss resource issue as far as space or location in the terminal to help provide a more dignified circumstances. Commissioner Del Portillo suggested that all elected representatives should know about the Commission care about this matter.

There was no public comment on this item.

13. **Request for Commission Co-Sponsorship of the Transgender Leadership Summit Report**

Vice Chair Chung reported that the first Transgender Leadership Summit was held on February 2006 and drew over a hundred transgender activist all around California. The second Summit will be held at the University of Southern California on March 23-25, 2007. She explained that the co-sponsorship is to show support of the summit that it is a much needed event and to continue cultivate future leaders in the transgender movement.

There was no public comment on this item.

14. **Commissioner Discussion on Matters of Interest for Possible Inclusion of Future Agenda Items**

Vice Chair Chung suggested including in the next Commission agenda to recognize Clare Skivington (sp?), and elder transgender who has helped and trained contractors about transgender issues. Vice Chair Chung pointed out that Ms. Skivington (sp?) has helped moved the transgender rights forward in San Francisco, she will be presented with a Resolution for the Commission to adopt. Ms. Skivington (sp?) was diagnosed with prostate cancer.

Vice Chair Chung reminded the Commissioners that the revised copy of the drafted Bylaw that they received would be discussed at the next Commission meeting. Chair Baghdadi pointed out that any other suggestions or changes to the Bylaws would be discussed at the January 11, 2007 meeting.

Commissioner Kahn asked about the Commission meetings going out to the community. Director Harmon stated that will be on the January agenda. Commissioner Mohajer suggested providing water for the Commissioners during Commission meetings.

Chair Baghdadi proposed that under the item on each individual Commissioner reports on community activities is to report on what has been going on in their respective community and to bring issues that the Commission might want to address. Commissioner Richardson volunteered to be the first to report on what is going on at the Bayview Hunters Point community for the January 2007 agenda. Vice Chair Chung would like to make her presentation in May.

There was no public comment on this item.

15. Adjournment

Chair Baghdadi adjourned the meeting. There being no further business, the meeting was adjourned at 6:33 p.m.

**NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies of any attachments from the Commission Secretary. **

City and County of San Francisco
Human Rights Commission

December 28, 2006 CANCELED

The regular meeting of the Human Rights Commission scheduled for December 28, 2006 has been canceled.

The next, regular meeting will occur someday in January 2007.

Enjoy the rest of 2006 and be well.

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